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# MONTANA STATE RAIL PLAN

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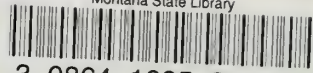
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REVISED  
PLANNING WORK STATEMENT

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# **MONTANA STATE RAIL PLAN**

## **Phase I**

### **Revised Planning Work Statement 49 C.F.R. 266.19(e)**

Submitted

to

Federal Railroad Administration  
UNITED STATES DEPARTMENT OF TRANSPORTATION

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Submitted


by

W. Gordon McOmber, Director  
DEPARTMENT OF AGRICULTURE  
STATE OF MONTANA

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**May 22, 1978**

Gene J. Carroll  
Director of Rail Planning  
1300 Cedar Street  
Airport Way — Building West  
Helena, Montana  
59601



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**MONTANA  
STATE  
RAIL  
PLAN**





# PREFACE

*what is past is prologue . . .*

This is a thorough revision. The basic approach of the first planning work statement remains. In fundamentals this is essentially the same statement. In details, however, it is very different indeed. Many specific changes, and certainly the general pattern of revision, are those which the Federal Railroad Administration suggested be made to make the statement coherent, to correct certain deficiencies, and to consolidate all the prior planning work statement submittals into one completed document. All previously filed submittals should be discarded.

One clear need was for a revised statement to include complete descriptions of the tasks to be funded, as well as the amount of funding for each task. Another problem with the initial planning work statement was the volume of appendix material. Finally, as a result of subsequent filings of supplemental material and the passage of time, the relationship of the parts became vague, leading to confusion and misunderstanding of Montana's approach to a state rail plan.

Changes in organization have been primarily in a restructuring by chapter to accommodate 49 C.F.R. 266.19(e), as well as drawing into the revised statement much of the earlier appendix data. Chapters have been sectionalized by number to facilitate cross-references between parts to ease understanding of the entire revised statement.

This revised planning work statement is designed to meet qualification and eligibility requirements necessary for Montana's participation in the National Rail Service Assistance Program under section 5 of the Department of Transportation Act (49 U.S.C. 1654) as amended by section 803 of the Railroad Revitalization and Regulatory Reform Act of 1976, and as implemented by Title 49, Chapter II, Part 266, Code of Federal Regulations.

Montana interest in rail line abandonment or service discontinuance stems from the potentially severe impacts that affected local communities may experience from cessation of rail service.

One of the main tasks of state rail planning is to determine objectively what those impacts are likely to be on a line-by-line basis. This requires a careful probing of the current economic situation and short-to-medium term expectations for each rail service user located on the light-density line. Such analysis must recognize the uncertainties involved in projecting rail service user effects of light-density line abandonment. Such analysis also requires careful consideration of the impacts of change upon local communities—their employment, their transportation network, and their ability to adapt to change.

The planning work statement is a preliminary statement of policy and charts future planning work to be undertaken by Montana.

The Montana State Rail Plan will be the implementation of the study design established in this revised planning work statement. It is intended to provide a planning process for the objective, decision-making procedure by which projects are selected for assistance or services are rejected as unnecessary.

Gene J. Carroll





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# **PRELIMINARY STATEMENT**

## **MONTANA RAILROAD TRANSPORTATION POLICY**

It is hereby declared to be the railroad transportation policy of the State of Montana that the continued health and welfare of its citizens demand a viable railroad transportation system, adequate to meet our economic needs and necessities; to encourage, promote, and support safe, adequate, economical, and efficient rail service in the private sector; to foster the establishment and maintenance of just and reasonable charges for transportation services rendered; to cooperate with the railroads, other States, and the Federal Government; all to the end of developing and preserving a privately owned railroad system, as part of Montana's total transportation system, adequate to meet the needs of our citizens and their commerce.





**PHASE  
ONE  
STATEMENT  
REVISED**







# REVISED PLANNING WORK STATEMENT

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## CHAPTER 1

### AN OVERVIEW OF RAIL PLANNING

#### § 1.01 INTRODUCTION

The Railroad Revitalization and Regulatory Reform Act of 1976<sup>1</sup> has as its goal to provide the means to rehabilitate and maintain the physical facilities, improve the operations and structure, and restore the financial stability of the railroad system of the United States, and to promote the “revitalization” of such railway system, so that this mode of transportation will remain viable in the private sector of the economy and will be able to provide energy-efficient, ecologically compatible transportation services with greater efficiency, effectiveness, and economy.

In both the Regional Rail Reorganization Act of 1973<sup>2</sup> and the Railroad Revitalization and Regulatory Reform Act of 1976, it was acknowledged that a private railroad industry can no longer be expected to provide services for which the revenues to be realized are less than the cost of providing the service. The 3R Act, with its emphasis on light density freight lines in the Northeastern Region, indicated that if it is in the public interest to continue services that are necessary to the public sector, then the government must assume financial responsibility and underwrite some part of the losses. Thus, a subsidy program was established to provide for the continuation of essential local rail services. The more recent 4R Act further extends this principle of government subsidies for essential services to the entire nation, and expands the options for use of subsidy funds to include non-railroad alternatives when such alternatives are more cost effective than the continuation of rail services.

Sections 802 and 803 of the 4R Act significantly change the law governing abandonment of rail lines and the discontinuance of rail service, and also establish a \$360 million five-year national program of federal assistance for the continuation of essential local rail freight services which otherwise might be discontinued or abandoned.

Section 1a of the Interstate Commerce Act<sup>3</sup> changes the abandonment and discontinuance provisions in three principal respects. First, abandonment and discontinuance applications to the Interstate Commerce Commission must be processed to conclusion within certain rigid time limits. Second, the type of public notice required to be given by a railroad proposing to abandon a line or discontinue service is greatly expanded. In particular, railroads must submit to the Commission and publish diagrams of their transportation systems, identifying lines potentially subject to abandonment and those as to which abandonment applications are planned. Third, if any responsible person (including a government entity) offers to subsidize continued operation of a line, or to acquire all or any part of such line with a view to continuing operations over it, the Commission must defer the issuance of a certificate authorizing abandonment or discontinuance for a reasonable time, not exceeding seven months, as necessary to permit a binding assistance or purchase agreement to be entered into.

Section 5(f)-(o) of the Department of Transportation Act<sup>4</sup> direct the Secretary of Transportation to provide financial assistance to states for rail freight assistance programs that are designed to cover (1) the cost of rail

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<sup>1</sup> Public Law 94-210; 90 Stat. 31; (RRRA or 4R Act.)

<sup>2</sup> Public Law 93-236; (RRRA or 3R Act).

<sup>3</sup> 49 U.S.C. 1a, as amended by section 802.

<sup>4</sup> 49 U.S.C. 1654(f)-(o).

service continuation payments; (2) the cost of purchasing rail properties; (3) the cost of rehabilitating and promoting rail properties; and (4) the cost of reducing the costs of lost rail service in a manner less expensive than continuing service. The federal share of this assistance program is 100 percent for the period July, 1976-June, 1977; 90 percent for the period July, 1977-June, 1978; 80 percent for the period July, 1978-June 1979; and 70 percent for the period July, 1979-June 1981. During the first two years this national assistance program is not available to the 17 states and the District of Columbia which are eligible for rail service continuation assistance under Section 402 of the 3R Act.

## § 1.02 STATUTORY ELIGIBILITY REQUIREMENTS

A state is eligible to receive rail service assistance under the Act if:<sup>5</sup>

- (1) **such State has established an adequate plan for rail service in such State as part of an overall planning process for all transportation services in such State, including a suitable process for up-dating, revising, and amending such plan;**
- (2) **such State plan is administered or coordinated by a designated State agency and provides for the equitable distribution of resources;**
- (3) **such State agency (a) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail transportation services, (b) employs or will employ, directly or indirectly, sufficient trained and qualified personnel, (c) maintains or will maintain adequate programs of investigation, research, promotion, and development, and (d) is designated and directed solely or in cooperation with other State agencies to take all practicable steps to improve transportation safety and to reduce transportation-related energy utilization and pollution;**
- (4) **such State provides satisfactory assurance that it has or will adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of Federal funds; and**
- (5) **such State complies with regulations of the Secretary in connection with the filing of applications for assistance under section 5 of the Department of Transportation Act.**

Montana proposes to comply with the statutory requirements leading to a Montana State Rail Plan through its Department of Agriculture (DOA) as “designated agency.”

## § 1.03 REGULATIONS OF THE FEDERAL RAILROAD ADMINISTRATION

The Federal Railroad Administration has issued regulations on the content of the state rail plan, appearing as:<sup>6</sup>

### **ASSISTANCE TO STATES FOR RAIL SERVICE ASSISTANCE UNDER SECTION 5 OF THE DEPARTMENT OF TRANSPORTATION ACT.**

### **PROCEDURES AND REQUIREMENTS REGARDING APPLICATIONS AND DISBURSEMENTS**

F.R.A., by its rules and regulations, requires that state rail plans be established as a two phase rail planning process.

## § 1.04 PHASE I

Phase I of the Montana State Rail Plan is a design of the state’s rail planning process (a planning work statement) which is consistent with the purpose of the 4R Act and highlights the work planned for the period covered by the state’s application for planning assistance, and shall include the following:<sup>7</sup>

- (1) **an explanation of the policy framework to be used in guiding the development of the State Rail Plan. Part of the explanation should be devoted to the expectations of the State for the future of rail services subsequent to the expiration of the rail service assistance under the Act including such considerations as**

<sup>5</sup> Section 5(j), 49 U.S.C. 1654; 90 Stat. 31, 131.

<sup>6</sup> Federal Register, Vol. 43, No. 2—Wednesday, January 4, 1978; 49 C.F.R. 266; F.R.A. Economic Docket No. 4, Notice No. 2.

<sup>7</sup> 49 C.F.R. 266.19(e)(1-6).

likelihood of profitability, continued State or local subsidy, acquisition, substitution of alternative modes, and other long-term alternatives;

- (2) description of the methods by which the State will involve local and regional governmental bodies and the public generally in its rail planning process, including its method of providing for the equitable distribution of resources;
- (3) criteria and goals for rail services or properties to be considered for assistance;
- (4) an identification of the data to be obtained on the rail network and rail services in the State<sup>8</sup> the sources of this data, and the methodology to be employed in data collection. In considering the scope of data collection activities and subsequent analysis, the State should provide an overview of all rail services in the State while concentrating most of its efforts on the specific services which are eligible for assistance or which are expected to become eligible during the period of the program;
- (5) analytical methodology to be used in the planning process. Such analytical methodology shall include criteria to be used in selecting lines to be considered for assistance;
- (6) a management plan for the development of the State Rail Plan which shall include an identification of responsible individuals, an indication of activities with milestones and a budget, by task, for the period to be covered by the State's application for planning assistance.

## § 1.05 PHASE II

Phase II of the Montana State Rail Plan will conform to the format, and include all informational operations and analysis, necessary to meet the requirements of the Administrator as provided for at 49 C.F.R. 266.15(c),(d). As will be shown in the management plan, this phase of the planning process will be submitted to the Administrator on or before July 1, 1980.

## § 1.06 OVERVIEW OF THIS REVISED PLANNING WORK STATEMENT

F.R.A. and Applicant Montana have executed a grant agreement to provide financial assistance for planning purposes. However, prior to disbursement of funds under Grant Agreement PL-7-MT-01:

**The design of the planning work statement should be restructured in accordance with section 266.19(e)(1-6). This restructuring should include complete descriptions of the tasks which you wish funded, as well as the amount of funding for each task. We suggest that you consolidate all the prior planning work statement submittals into one completed document.**

This revised planning work statement is submitted to satisfy all eligibility requirements for planning assistance, and represents Phase I of a two-part Montana State Rail Plan process. The remainder of Phase I describes the design and management of the State's planning activities with appendices as support and information. The balance of Chapter 1 presents a preliminary statement of policy within which the plan will be developed.<sup>9</sup> Chapter 2 outlines the design of the state planning process. Section 2.01 describes the goals and philosophical framework of the plan. Section 2.05 sets forth the method to be used for receiving public input into the plan through hearings<sup>10</sup>, and criteria, and goals for rail services or properties for assistance are shown in section 2.10.<sup>11</sup> Section 2.11 summarizes the data to be used and the methods by which these data will be secured. Section 2.13 briefs the analytical methodology to be employed in the planning procedure, and section 2.21 summarizes that methodology.<sup>12</sup> A management plan for development of the state rail plan is provided in Chapter 3.<sup>13</sup> Montana's affirmative action program is included as Chapter 4.<sup>14</sup>

The balance of this revised planning work statement contains those elements necessary to complete the preliminary planning process.

<sup>8</sup> See 49 C.F.R. 266.15(c).

<sup>9</sup> Required by 49 C.F.R. 266.19(e)(1).

<sup>10</sup> Required by 49 C.F.R. 266.19(e)(2).

<sup>11</sup> Required by 49 C.F.R. 266.19(e)(3).

<sup>12</sup> Required by 49 C.F.R. 266.19(3)(4-5).

<sup>13</sup> Required by 49 C.F.R. 266.19(e)(6).

<sup>14</sup> Required by 49 C.F.R. 265.



## § 1.07 PRELIMINARY STATEMENT OF POLICY

This revised planning work statement will more fully develop a policy framework to be used in guiding the development of a Montana State Rail Plan in Chapter 2. However, because of the state's geographical location to its productive markets, and sources of inbound commodities and supplies, rail transportation assumes an integral part of the state's economy, and is of such importance as to require that any plan develop a preliminary statement of transportation policy as a prerequisite to the presentation of the plan's design or its content:

### MONTANA RAILROAD TRANSPORTATION POLICY

**It is hereby declared to be the railroad transportation policy of the State of Montana that the continued health and welfare of its citizens demand a viable railroad transportation system, adequate to meet our economic needs and necessities; to encourage, promote, and support, safe, adequate, economical, and efficient rail service in the private sector; to foster the establishment and maintenance of just and reasonable charges for transportation services rendered; to cooperate with the railroads, other states, and the Federal Government; all to the end of developing and preserving a privately owned railroad system, adequate to meet the needs of our citizens, their commerce, and their defense.**

## § 1.08 MONTANA'S POLICY POSITION TOWARD RAIL TRANSPORTATION

Montana's economy is primarily resource based, having the dominant and most sustainable basic economic sector as agriculture. Rail freight transportation is considered to be a major segment of the infrastructure supporting the state's economy. The vast majority of Montana's production and extractive industries are weight intensive, move in large volumes, and are transported considerable distances. As a result, rail transportation is frequently the most economical or feasible transport mode for shippers. This is true of agricultural products, coal, woodchips and ores. The spatial economy of the state is dependent on rail service.

**TABLE I**  
**Trackage Operated — Montana Railroads**  
**1975**

<b>Railroad</b>	<b>Amount <sup>a</sup></b>	<b>%</b>
Burlington Northern Inc. ....	4,395	74.9%
The Milwaukee Road .....	1,310	22.3%
Union Pacific Railroad .....	162	2.8%
<b>TOTAL .....</b>	<b>5,867</b>	<b>100.0%</b>

<sup>a/</sup> Source: Annual Reports, R-1, Class 1 Railroads, Year Ending December 31, 1975.

Within the state's rail system the Burlington Northern Inc. is the major carrier in terms of miles of track operated, tonnage hauled, and revenues generated. Table I shows the number of miles of track within Montana, indicating that Burlington Northern operates seventy-five percent (75%) of the total. Table II summarizes the tonnage, in carloads, which originated and terminated in Montana during 1975. The revenues generated by each of Montana's railroads during 1975 are shown in Table III.

**TABLE II**  
**Rail Carloads Originating and Terminating in Montana**  
**1975**

<b>Railroad</b>	<b>Amount <sup>a</sup></b>	<b>%</b>
Burlington Northern.....	407,534	92.3%
The Milwaukee Road .....	24,399	5.5%
Union Pacific Railroad .....	9,764	2.2%
<b>TOTAL .....</b>	<b>441,697</b>	<b>100.0%</b>

<sup>a/</sup> Source: Annual Reports, R-1, Class 1 Railroads, Year Ending December 31, 1975.

The foregoing points to the dominant position of Burlington Northern among Montana's railroads, and it is reasonable to assume that, because of the nature of Montana's agricultural economy and dependence on railroad service, if the Burlington Northern ceased to operate, so would the economy of Montana. In essence, this railroad is so important to the state's economy that it cannot be ignored.

**TABLE III**  
**Freight Revenues — Montana Railroads**  
**1975**

<b>Railroad</b>	<b>Amount<sup>a</sup></b>	<b>%</b>
Burlington Northern .....	\$322,946,932	91.5%
The Milwaukee Road .....	24,836,855	7.0%
Union Pacific Railroad .....	5,326,810	1.5%
<b>TOTAL .....</b>	<b>\$353,110,597</b>	<b>100.0%</b>

<sup>a/</sup> Source: Annual Reports, R-1, Class 1 Railroads, Year Ending December 31, 1975.

Montana, among other States in the Western Region of the United States, is dependent on railroad services to maintain and enhance its economic activities. Although this section of the country has not been faced with the serious problem of massive railroad bankruptcies as experienced in the Northeastern Region, long-term programs to eliminate the possibility of the loss of our private enterprise railroad system must begin.<sup>15</sup> Implicit in such a position is the willingness of the state to see duplicate trackage and non-viable rail service discontinued. Rationalization of the railroad plant is seen as a prerequisite to the continuation of privately owned and operated railroads in the state, while retaining under government sponsorship rail services found to be uneconomical but essential in a state rail plan.

Therefore, although the State of Montana has historically followed a laissez-faire policy with regard to financial assistance for the state's railroads, the overall importance of future rail transport services demands participation by the state. In response to this need the state has embarked upon a state rail planning program.

#### **§ 1.09 MONTANA'S POLICY POSITION TOWARD THE 4R ACT**

The State of Montana supports the purpose and goal of the Railroad Revitalization and Regulatory Reform Act of 1976 to provide the means to rehabilitate and maintain the physical facilities, improve the operations and structure, and restore the financial stability of the railroad system of the United States, and to promote the revitalization of such railway systems, so that this mode of transportation will remain viable in the private sector of the economy and will be able to provide energy-efficient, ecologically compatible transportation services with greater efficiency, effectiveness and economy.

The State of Montana is opposed to any alternative strategies leading to the nationalization of the country's rail system.

#### **§ 1.10 MONTANA'S VIEW OF SECTION 803**

The fact that the section 803 rail service assistance program has provided to Montana, and other states, a vehicle to analyze their rail services and demands, and from which may evolve a rail transportation policy and state rail plan as a part of an overall state transportation plan, must be viewed as a spin-off benefit accruing to all participating states. Considering present railroad transportation conditions, it is an operation which all states should actively support, 4R Act or no 4R Act.

<sup>15</sup> As of this writing, Milwaukee Road has filed for reorganization.





# PLAN DESIGN



# REVISED PLANNING WORK STATEMENT

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## CHAPTER 2 DESIGN OF THE STATE PLAN

### § 2.01 POLICY FRAMEWORK [49 C.F.R. 266.19(e)(1)]

The policy to be used by Montana as a guide in the development of a state rail plan must be conditioned and responsive to the time frame being considered. While the local service assistance program at the national level contemplates a five-year span (1976-1981), it will run for most Western States for a much shorter period as a result of the necessity to establish and implement their plans. Using this as a frame of reference, Montana considers the section 803 assistance time period to June 30, 1981 as the short-term.<sup>1</sup> Policy for 100% state rail line assistance continuation beyond the expiration of the federal program, assuming at this date that it will not be extended, warrant a long-term designation. As a result, Montana approaches its rail plan under two sets of policy, one for the short-term one-year national program and another for the longer-term.

### § 2.02 THE SHORT-TERM

Montana's present policy on rail freight service results from the recent experiences of the railroad industry. The railroads, both in Montana and across the nation, have been facing an economic crisis of many years standing. They have been plagued with a low rate of return on investment, which has resulted in their inability to attract sufficient capital to rebuild and maintain their physical plant. Contributing to the problem has been regulatory difficulties, and competition from modes of transportation that have for years been subsidized with public funds.

The availability of rail service to move all commodities, including essential bulk commodities, has been threatened by this economic crisis confronting the railroads. The seed of this crisis can be found primarily in the industry's depressed earnings over the several years, which has made it impossible to fund a normalized maintenance program on a pay-as-you-go basis and has also dried up sources of private investment capital for that purpose.

Virtually every railroad has had some deferred maintenance of track and other physical assets. This has led to a backlog of unmet maintenance needs that has brought about deterioration in track quality, particularly on branchlines. This decline has led to further losses in revenues. In many cases, branchlines that have experienced deferred maintenance are continuing to make a marginal financial contribution to the company, and will therefore remain in service until the point is reached where a major capital investment to correct the deferred maintenance is necessary. At that point, the railroad will generally reduce service levels on the line and eventually petition the Interstate Commerce Commission for the authority to abandon service.

The interest of the Montana Department of Agriculture in rail service discontinuance and abandonment stems from its interest in maintaining those rail assets within the state that are or can be made viable as a part of Montana's total transportation system; reducing the potentially severe impacts that affected communities may experience from loss of rail transportation service; and the public and private costs implicit in other transporta-

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<sup>1</sup> See Chapter 3, Table IV, showing a projected completion date of July 1, 1980 for the Montana State Rail Plan. This provides a one-year short-term period for projects.

tion facilities handling the increased load resulting from abandonment. The primary impacts which might be experienced by a community include adjustments in employment, land values and taxes, alteration of transportation services and costs (both public and private), and changes in energy use and environmental impacts.

It shall be the policy of the Montana Department of Agriculture throughout the process of establishing a state rail plan to:

- (1) **Evaluate all rail lines within the state that are or may be proposed for abandonment;**
- (2) **Take the steps necessary to maintain in or return to the private railroad sector those lines found to be viable;**
- (3) **Arrange transportation solutions for shippers on lines found not to be viable;**
- (4) **Minimize the necessity for the expenditure of public funds for railroad assistance; and**
- (5) **Maximize the portion of the state's federal entitlement available for railroad rehabilitation.**

Thus, it is clear that the basic state position concerning rail assistance is that such assistance should be short-term in nature. The goal is to maintain a faltering line within the private transportation system, or to return an abandoned line to private ownership as soon as possible. In cases in which the line cannot become economically viable, the Department will seek to find alternate means of transport for shippers along the line.

### § 2.03 THE LONG-TERM

The long-run future of lines available for assistance in Montana, beyond the one-year national program, will also be examined in the state rail plan. Montana's long-term policy for maintenance of local rail service is essentially one of required economic viability. Therefore, rail segments found "available for assistance" in the short-term must evidence a potential for viability and economic self-sufficiency in the long-term, or face ultimate abandonment. The State of Montana is not in favor of a long-term rail service assistance program funded only by the state.

### § 2.04 POLICY FRAMEWORK OF STATE RAIL PLAN. SUMMARY.

Transportation planning and plan development must ultimately be on a multi-modal level because decisions in one area or mode can, and in many cases will, affect other modes. Although the Montana State Rail Plan will place major emphasis on rail planning, its results in combination with other agencies planning efforts for other modes will provide Montana with comprehensive plans for all modes of transportation.

Montana has a commitment to its citizens to provide and maintain an adequate, safe, efficient and economical transportation system for the movement of persons and goods within the state. The state must have a sound, viable, multi-modal transportation system to preserve the health and welfare of its people.

### § 2.05 THE PUBLIC INVOLVEMENT PROCESS [49 C.F.R. 266.19(e)(2)]

As a part of the program for rail planning, the Department of Agriculture will provide ample opportunity for all interested persons and groups to participate in the development and review of a rail plan. The Department will conduct an extensive public involvement program for a number of reasons. Primary among these is a need to receive input from all interested parties regarding the implementation and administration of the state's assistance program. Further, input will be specifically sought on the data and standards to be used in the planning process.

Montana proposes to approach public involvement as a five-stage process. **Stage I** will be early public participation by forum throughout the state to elicit broad comment on the goals, objectives and criteria for the investment of funds in railroad or substitute services. **Stage II** follows by the distribution of a preliminary draft of the proposed plan to shippers, legislators, and other state and regional interest groups. Thus, in addition to providing the means for public input during the formulation stage of the rail plan by forum, the public-at-large will be given every opportunity to evaluate and comment on the proposed or preliminary rail plan for Montana. **Stage III**, the Department will submit a preliminary draft of the proposed rail plan to the State Clearinghouse for review and action in accordance with Office of Management and Budget Circular No. A-95 Revised.<sup>2</sup> **Stage IV**,

<sup>2</sup>41 F.R. 2052 (1976). Required by 49 C.F.R. 266.15(e).



Regional information sessions will be held with the official release of the preliminary plan. The purpose of these sessions will be to explain the overall rail plan and specific regional impacts. All individuals, firms, organizations, and state agencies, known to have transportation interests will receive notice of the meetings. Final comments will be solicited and considered for modifications of the preliminary plan. **Stage V** will involve the dissemination of the final Montana State Rail Plan.

## **§ 2.06 PUBLIC INVOLVEMENT BY CONSUMER COUNSEL**

At each stage of the public involvement process the Office of Consumer Counsel will participate to represent and protect the public's interest during the rail planning program.

## **§ 2.07 CRITERIA AND GOALS [49 C.F.R. 266.19(e)(3)]**

A natural result of the Montana State Rail Plan will be decisions setting forth which eligible rail lines will be included in the assistance program and which lines will not. The decisions must consider specific criteria for tests to guide key investment decisions such as subsidization, acquisition or rehabilitation. The use of those criteria will allow Montana to undertake technical activities to determine the need for and form of state involvement. The thrust of such technical planning is to encourage selectivity of state actions regarding line retention. Choices must be made between retaining all threatened lines, some of them, or none. Choices must be made between retaining a line or preserving an entire line, or only its more heavily utilized parts. Choices must be made on encouraging the sale or transfer of those portions of light-density lines having potential traffic to connecting carriers or user groups. Choices must be made whether to require local support or not. Finally, choices must be made by the state among the kinds of alternative support actions available.

Specifically, Montana will consider the following criteria to test and form judgements concerning its local rail service assistance program:

- (1) the long-run economic viability of the line;**
- (2) the necessity to retain the service for future economic or energy development;**
- (3) social, environmental, and energy impacts incurred by loss of rail services;**
- (4) the future for the line or project upon the expiration of Federal assistance under section 5 of the Act, including such tests as profitability; state or shipper subsidy; state, shipper, or carrier acquisition; termination of rail services; and, the substitution of other transportation;**
- (5) potential for moving freight by alternative rail service or alternative modes;**
- (6) the relative costs and benefits of each program alternative available under the program;**
- (7) priority requirements;**
- (8) future changes anticipated and/or projected for Montana rail transportation needs, including new services for energy development; and**
- (9) the least-cost viable alternative.**

Established, workable goals are necessary to enable the state rail planning process to outline courses of action and to define the desired future characteristics of the railroad system within the State of Montana. These GOALS are as follows:

- (1) To foster a rail transportation system that will dependably, efficiently and economically serve Montana's needs, in a manner which will maintain and enhance the competitive position of the state, its industry and its people;**
- (2) To develop flexibility and responsiveness to changing user requirements in the rail system;**
- (3) To develop competitive transportation options for those communities which lose rail service;**
- (4) To provide for the handling of unprofitable rail services where the loss of such service will cause severe economic or social hardship;**

- (5) To promote financial stability and operational efficiency within the rail system serving Montana;
- (6) To preserve essential services;
- (7) To provide sufficient time for the relocation of economic activities from non-essential rail lines; and
- (8) To provide alternative strategies to reduce the cost of lost rail service in a manner less expensive than continuing rail service.

#### **§ 2.08 SCOPE OF DATA COLLECTION [49 C.F.R. 266.19(e)(4)]**

The Administrator has alerted the participating states that, in considering the scope of data collection activities and subsequent analysis, they should provide an overview of all rail services in the state while concentrating most of their efforts on the specific services which are eligible for assistance or which are expected to become eligible during the period of the program. Montana intends to be guided by this admonition in its data collection activities. To that end it is proposed to generate a rail network and rail services data bank which will adequately provide the basis for later planning analysis in line assistance consideration. The data bank will be composed of existing information and new data to be generated in sufficient quantity to provide the following:

- (1) An overview of the total rail system in Montana by network and services;
- (2) An indepth study of the rail network, services, and economic activity in Montana on rail lines designated as Category "B" Branchlines "light-density" in accordance with section 503(e) of the 4R-Act; and
- (3) A concentrated review and analysis of the rail network, services, economic activity, environment, and energy impacts surrounding loss of rail service on lines in Category 1 and Category 2.<sup>3</sup>

#### **§ 2.09 DATA IDENTIFICATION [49 C.F.R. 266.19(e)(4)]**

In preparation for the analysis process to determine line assistance projects, data will be obtained, or generated on each segment of Montana railroad. While the scope has been broken-down into 3 areas for concentration, the data list will include:

- 1. Name of segment.
- 2. Owning railroad.
- 3. Division and subdivision.
- 4. Length of segment.
- 5. Topographical profile.
- 6. Main or branch line.
- 7. Limit on speed.
- 8. Weight or clearance restrictions.
- 9. Mile post and station numbers.
- 10. Connecting lines.
- 11. Joint trackage rights.
- 12. Characteristics and condition of line.
- 13. Frequency and type of service.
- 14. Ton-mile data.
- 15. Revenue data.
- 16. Avoidable cost data.
- 17. Economic activity on segment.
- 18. Tax data.
- 19. Passenger service.
- 20. Military defense data.
- 21. Opened or closed stations.
- 22. Alternate mode data.
- 23. Existing highway and bridge data.

<sup>3</sup> Category 1, anticipated subject of abandonment application within 3 years [49 C.F.R. 1121.20(b)(1)]; Category 2, potentially subject to abandonment [49 C.F.R. 1121.20(b)(2)].



It should be understood that Montana does not intend to fully develop each area of data for each mile of railroad in the state for its rail plan. Most efforts will be concentrated on the “light-density segments” either eligible or expected to become eligible. Residual time and resources will be expended on the state overview.

#### **§ 2.10 DATA SOURCES [49 C.F.R. 266.19(e)(4)]**

Sources that are available to complete the task to inventory and analyze the state’s rail network are too numerous to fully enumerate here. It will be the intention of Montana to use published data from federal reports and documents, state and local data, the railroad “data package”, railroad time tables and service guides (*Railway Guide and Official Equipment Register*), and when found to be necessary, to conduct field investigation to determine unpublished information. Some sources of readily available information are the following:

- (1) **FRA railroad maps by zone;**
- (2) **FRA network model; computerized representation of the nation’s railroad system containing a great deal of data on each line in the network;**
- (3) **ICC/FRA One-Percent Waybill Sample; obtainable on computer tape; a one-percent sample of all Class I railroad traffic; origin, designation, commodity, tonnage, number of carloads, freight charges;**
- (4) **FRA Track Class, an important indicator of track condition;**
- (5) **Railroad Density Charts;**
- (6) **Section 503 Designation and Classification;**
- (7) **The ICC’s *Freight Commodity Statistics and Transport Statistics for the United States*;**
- (8) **Railroad company information; system maps, time tables, Form R-1 Annual Reports, location of TOFC/COFC facilities;**
- (9) **Recent and pending abandonment petitions, hearing testimony, reports;**
- (10) **Published state transportation data;**
- (11) **U.S. Bureau of the Census;**
- (12) **Association of American Railroads: *Yearbook of Railroad Facts*;**
- (13) ***Official Railway Guide*;**
- (14) **Rand McNally, Inc.: *Handy Railroad Atlas of the United States*; *Rand McNally Commercial Guide*;**
- (15) **United States Geological Survey (USGS) maps;**
- (16) **Preliminary Bibliography, *A Tool For Rail Planners*, December 10, 1976, Department of Transportation, Federal Railroad Administration;**
- (17) **Montana Department of Community Affairs, Research & Information Division;**
- (18) **Office of Commerce, State of Montana;**
- (19) **Montana Department of Highways;**
- (20) **Montana State University;**
- (21) **Montana Department of Community Affairs, Economic Development Division;**
- (22) **Montana Energy Research and Conservation Office; and**
- (23) **Environmental Protection Agency, Montana Energy Operations Office.**

#### **§ 2.11 DATA COLLECTION METHODOLOGY [49 C.F.R. 266.19(e)(4)]**

There are two general methods which may be used to gather the information and data listed in section 2.10. First, existing information which is generally available to the public from the railroads, industry, and government

agencies. Second is the use of a survey form to identify and/or generate new data. Montana intends to exhaust all opportunities for data collection from available information prior to shipper survey projects. However, it will be necessary to develop data which is not available from other sources. This position has, to a large degree, been confirmed by discussion with other states and their approach to data collection.

The survey form(s) will be framed in such a manner so as to elicit railroad data and information unique to Montana shippers and receivers. It will include, but not be limited to, assessment of shipper attitude toward present rail service, ability to utilize alternative modes, economic impact, shipper subsidization for continued service, shipment data in and out, and views on industry relocation.

## § 2.12 ANALYTICAL METHODOLOGY [49 C.F.R. 266.19(e)(5)]

Both federal and state funds for assistance in the continuation of elements of Montana's railroad system are limited. Therefore, the Montana Department of Agriculture will install and maintain a continuing process of analysis and planning for its transportation system to guide the investment of those limited funds. This revised planning work statement is the beginning of that process. While the Department is concerned with all modes and all aspects of transportation, this statement is restricted primarily to rail freight services, and in particular, local rail service assistance options. The technical approach to be taken by the State of Montana in developing a state rail plan will be to divide the program into the eight elements which comprise any systematic planning process. Those elements are as follows:

- (1) **Identification of the problem;**
- (2) **Identification of objectives;**
- (3) **Determination of resources and restraints of the system;**
- (4) **Development of strategies;**
- (5) **Development of system model;**
- (6) **Application of the system model to each strategy;**
- (7) **Evaluation of strategies; and**
- (8) **Selection of strategies.**

For the purpose of establishing the relative need for the continuation of local rail services on lines subject to abandonment, a three-level technical analysis will be undertaken. **The first level** will involve the identification of lines or segments which should undergo in-depth analysis. Those lines or segments selected for analysis are to be studied in detail at **the second level** to determine the character of the physical plant, traffic and shipping characteristics and needs of businesses along the line. Included at this level would be benefit/cost studies; profitability analysis; socio-economic, environmental and energy analysis, substitute service potential; alternate strategy considerations; and relocation. **The third level** of analysis will involve the development and application of a categorization scheme based on four criteria to be used in selecting lines to be considered for assistance.<sup>4</sup> These criteria are based upon the goals and objectives developed in section 2.07. Each of the three levels of analysis are discussed in the following sections.

## § 2.13 LEVEL 1 — INITIAL SELECTION PROCESS

The system analysis would start with a description of the network infrastructure. Section 802 of the 4R Act requires that the railroads supply the Federal Railroad Administration (FRA) with diagrams of the railroads. Using the diagrams, the integrated network of all railroads within the state would be developed. The physical inventory, nominal capacities, special conditions and constraints and other items pertinent to the analysis will be generated. Major operational facilities such as classification yards, TOFC ramps, and interchange points will be included. Data which is not available from the diagrams would be obtained ad hoc from the railroads or by actual inspection.

In general, the description of rail operations and service available will be confined to collection of necessary data to permit analysis of specific issues of major importance to the state. Schedules of service available on branch

<sup>4</sup> Required by 49 C.F.R. 266.19(e)(5). See section 2.15, *infra*.

lines will be compiled to assist in the identification of possible candidates for abandonment or discontinuance of service. Methods of data collection employed by the carriers would be examined and their degree of compatibility noted. Operations monitoring procedures and report preparation will be reviewed. Billing and accounting procedures would be noted.

The analysis of freight flows on the network is one of the means to identify areas for further analysis such as branch lines to be abandoned or other reductions in the service levels. In connection with the classification and designation of rail lines, the rail carriers are required to submit to the U.S. Secretary of Transportation a full and complete analysis of the traffic density on each of their main and branch lines. It is assumed that such information will be available to the states and will include data on originations and terminations, tonnage, commodity, car type, car count and revenue (total revenue and local carrier divisions). Analysis of these flows will permit identification of branch lines which are candidates for abandonment or discontinuance of service.

Under the provisions of section 802 of the Act, a railroad is required to make appropriate data available to any party considering an offer of financial assistance to maintain service on a branch line. This data includes the railroad's most recent reports on physical condition, traffic, revenue and other data as is necessary to determine the amount of assistance that the railroad feels would be required for the branch. **However, before the state can make an offer of assistance, it is necessary to perform initial analysis to determine for which branches such an offer is in the state's interest.**

## § 2.14 LEVEL 2 — LINE-BY-LINE ANALYSIS

After the initial screening of candidates, an analysis of service is to be prepared on each segment proceeding into Level 2. The basic approach to be used will determine the benefit/cost ratio for maintaining service on a particular line or segment of the line.

The benefits of keeping a line in service are basically the negative impacts which will occur if rail service is abandoned or discontinued: (1) the net increase in handling and shipping costs; (2) net change in energy use; (3) lost payroll taxes; (4) lost property taxes; and (5) increases in highway maintenance and capital costs.

Costs in the "b/c" ratio will be based on the "avoidable cost" methodology developed by the Rail Services Planning Office of the Interstate Commerce Commission. Essentially, the cost item is the net operating deficit on branch operations plus a line rental fee. Where appropriate and necessary, rehabilitation costs to F.R.A. Class I standards (at a load limit of 263,000 pounds) will be included, annualized over a 10-year period. Also to be included will be an incremental annual maintenance cost to maintain the line at the F.R.A. Class I standard.

Each of the segments will be analyzed for economic viability including an infrastructure analysis, an engineering evaluation, determination of net liquidation value, identification of various upgraded service levels, and calculation of annual maintenance costs. Operating patterns will be determined and alternative operating patterns will be considered. Existing traffic and revenues will be verified, marketing procedures analyzed, and potential traffic growth estimated. Operating and maintenance costs at various levels of service will be estimated.

For each segment analyzed, transportation alternatives to continued rail service will be investigated. This analysis will include the physical feasibility of implementing each alternative at a reasonable level of capital costs, and the advantages and disadvantages from a service standpoint.

Regarding socio-economic, environmental and energy impact analyses, the methodology will closely follow the format recommended by the Rail Services Planning Office (RSPO) in "Guide for Evaluating the Community Impact of Rail Service Discontinuance." The income and employment impacts of rail abandonment on both the rail users and the surrounding community will be assessed. Erosion of tax base as a result of any business closures will be added.

Documentation will be made to consider the effect of rail service abandonment on the economic development potential of the community, and any changes in air, water or noise pollution.

The energy consumption level of existing rail services will be estimated and changes in energy utilization as a result of rail discontinuance and the substitution of other modes will be calculated.

Current operations would be analyzed to determine if changes in present methods could result in improvements to service levels which could generate additional traffic and revenue. Operational changes which require higher levels of maintenance or capital improvements would be examined and estimates of costs prepared.



The present and future traffic on each segment line would be analyzed. Information would be obtained from the carriers on current shipments and tabulated in the following form:

- (1) **Commodity (by STCC);**
- (2) **Tonnage;**
- (3) **Car type;**
- (4) **Car count;**
- (5) **Originating or terminating station; and**
- (6) **Revenue.**

Preparation of projected traffic is proposed through collection and synthesis of the following types of information:

- (1) **Data from a survey of shippers. A survey of all parties shipping or receiving cars would be made by use of a suitable questionnaire. The following types of information would be obtained: (a) projected number of shipments; (b) future changes in plant capacity; (c) future changes in employment levels; (d) projections of incoming and outgoing shipments.**

In addition, shippers will be asked if the level of service available on the line has restricted their use of the service and if so, how different levels of service would influence traffic projections. An independent projection of future shipments is to be made using the changes in plant capacity, employment levels and raw material shipments. This figure would be compared to the direct projection furnished by the shipper to determine if the projection appears to be reasonable and if all the information is consistent.

- (2) **Data obtained from railroad marketing departments concerning their estimates of future traffic on the branch lines in question;**
- (3) **Population and economic growth trends for the branch line market area prepared by state or local planning agencies; and**
- (4) **Projection of level of activity for agricultural and extractive sector industries within the market area.**

Profitability analysis in its simplest form consists of comparing revenues over a period of time with costs incurred over the same period of time, considering the line segment as a profit center. For most branch lines the profitability analysis must be made for several levels of service. Achieving improved levels of service would almost invariably require increased costs of maintenance and in many cases capital expenditures. In addition, the annual maintenance costs can be reduced by capital expenditures for rehabilitation and improvements. For each level of service, the anticipated revenues expected will be calculated using the traffic forecasts previously determined. Revenue would be computed for traffic which originates or terminates on the branch and all such revenue allocated to the line segment. In addition, an appropriate revenue percentage for all bridge or overhead traffic will be allocated when warranted.

For each level of service, costs attributable to operation of the branch will be determined. On-branch costs would be determined for:

- (1) **Routine maintenance;**
- (2) **Rehabilitation;**
- (3) **Maintenance of equipment;**
- (4) **Transportation;**
- (5) **Property taxes; and**
- (6) **Miscellaneous.**

Formulas used to determine branch line costs would reflect the actual cost of providing the service. These unit costs would be developed from carrier records augmented by on-site adjustments where found necessary.

After the revenues and costs for each level of service have been obtained, a profitability analysis will be con-

ducted which will indicate the present and potential profitability of each combination of levels of service and class of maintenance for the line. Where the line segment is not potentially profitable, the amount of rail service assistance subsidy required under both federal and state funding will be computed.

Off-branch costs will be included to reflect the avoidable cost of providing movement over the remainder of the railroad's systems as presented in the carrier's Rail Form R-1 Report.

For each eligible line segment under consideration, the availability of substitute transportation services will be determined. For each feasible alternative, the economic and social costs and benefits will be determined. Economic benefits and costs would include:

- (1) **Capital improvements to increase capacity of other modes;**
- (2) **Increased maintenance of other modes;**
- (3) **Capital improvements to establish necessary mode interchange facilities;**
- (4) **Changes in shipping costs;**
- (5) **Changes in shipping time and inventory costs; and**
- (6) **Loss of markets.**

In addition, by analysis of substituted modal service in lieu of rail service, consideration will be given to social benefits and costs. These items will include:

- (1) **Changes in levels of pollution;**
- (2) **Changes in traffic congestion; and**
- (3) **Diversion of service.**

For each segment of line under consideration, alternative strategies will be evaluated. Strategies to be considered will include, but not be limited to, the following:

- (1) **Subsidy;**
- (2) **Acquisition;**
- (3) **Modernization;**
- (4) **Termination of services; and**
- (5) **Provision of substitute services.**

Several alternatives for each strategy, or mix of strategies, may be considered, i.e., subsidy at different levels of service or several different substitute service modes.

## **§ 2.15 LEVEL 3 — SELECTION CRITERIA**

Based upon the proposed analyses described in the proceeding section, a set of criteria will be used in selecting lines to be considered for assistance:<sup>5</sup>

- (1) **Is there potential for future economic viability?**
- (2) **Are the impacts of loss of service greater than the costs of continuation of the service?**
- (3) **Is the line essential to the rest of the rail system?**
- (4) **Are viable alternative transport modes available?**

Each line under consideration will be categorized on the basis of all four of the above criteria. It should be emphasized that analysis under these criteria will not yield numerical scores for a precise rank-ordering of all lines that are eligible for assistance. Rather, this analysis will organize the lines into categories that can be used as a guide for the investment of funds available for rail assistance.

<sup>5</sup> See section 2.12, *supra*, and 49 C.F.R. 266.19(e)(5).

**§ 2.16 PUBLIC INVOLVEMENT — A CITIZENS ADVISORY COMMITTEE**

In addition to the steps to be taken to assure maximization of public involvement in the rail planning process as outlined in sections 2.05 and 2.06, Montana will form a Citizens Advisory Committee for Rail Planning, members of which would be selected by the Governor. The committee would consist of representatives of rail management, rail labor, agricultural producers and shippers, chamber of commerce, local and regional government, university, the Governor's office, and the legislature.



**PLAN**

**MANAGEMENT**



# REVISED PLANNING WORK STATEMENT

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## CHAPTER 3

### MANAGEMENT OF THE STATE PLAN

#### § 3.01 RESPONSIBLE INDIVIDUALS [49 C.F.R. 266.19(e)(6)]

On March 1, 1978, Governor Thomas L. Judge designated the Department of Agriculture, State of Montana, to administer or coordinate a Montana State Rail Plan consistent with the provisions of section 5 of the Department of Transportation Act.<sup>1</sup>

The Department is an agency of Montana's Executive Branch, created by the Constitution of the State of Montana.<sup>2</sup> The department head, Mr. W. Gordon McOmber, is the Director of Agriculture, appointed by the Governor and confirmed by the Montana Senate. The Director, as head of Agriculture, has control of all administrative functions assigned or delegated to him by law and by executive order. Therefore, the responsibility for the administration of the development of a state rail plan rests with the Director of Agriculture.

Figure 1 shows the Department is structured on a divisional basis, and has several units which report to the Director. As shown in Figure 2, the Transportation Unit will manage and coordinate the rail planning project. The Manager of the Transportation Unit, Mr. Gene J. Carroll, will serve as Director of Rail Planning. Mr. Carroll has been active in the section 803 program since September, 1976, and has extensive experience in railroad service, operation and economics. As more fully outlined in the proposed work tasks and budget, six (6) full-time employees will be engaged for the necessary research and analysis.

The staffs of the Department of Community Affairs (D.C.A.), the State Highway Department, and several others will be drawn upon and involved in this project. It is anticipated that the Office of Consumer Counsel of Montana will also be a contributor toward the plan.

#### § 3.02 PLANNING ACTIVITIES [49 C.F.R. 266.19(e)(6)]

Montana's rail planning activities will be directed toward the development of a plan to conform to the requirements of 49 C.F.R. 266.15. Those activities will focus on specific rail services which are eligible for assistance or which are expected to become eligible during the period of the program.

Montana has been given ample guidance for direction of its planning activities. The Secretary of Transportation, in his final report on the classification and designation of railroads<sup>3</sup> has revealed that approximately 20%, or 1,071 miles of Montana's rail trackage, is "B" branchline and therefore questionable as to present and future economic viability. This mileage includes some twenty-six (26) rail segments, each worthy of further investigation and consideration in a state rail plan. Additionally, all states are now provided with railroad management plans for future rail abandonment or service discontinuance<sup>4</sup> by designation of all system lines into certain categories.

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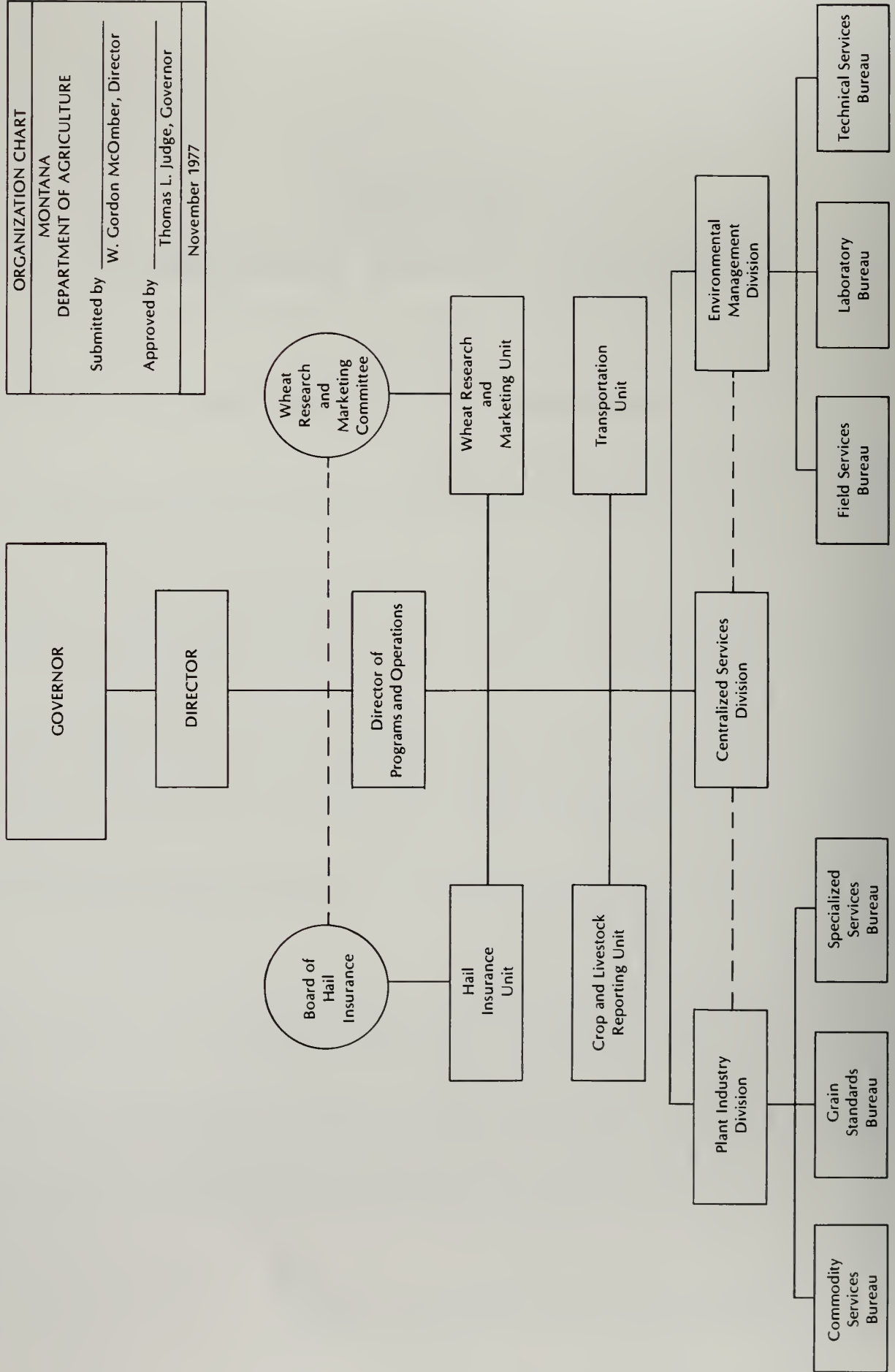
<sup>1</sup> See Appendix "A".

<sup>2</sup> Article XII, Section 1.

<sup>3</sup> Final Standards, Classification, and Designation of lines of Class I Railroads in the United States, Section 503(e) (4R-Act), June 20, 1977.

<sup>4</sup> Section 802, P.L. 94-210 (4R-Act); 49 C.F.R. 1121.20; see Table VIII, Section 3.15 infra.

FIGURE 1



ORGANIZATION CHART

MONTANA

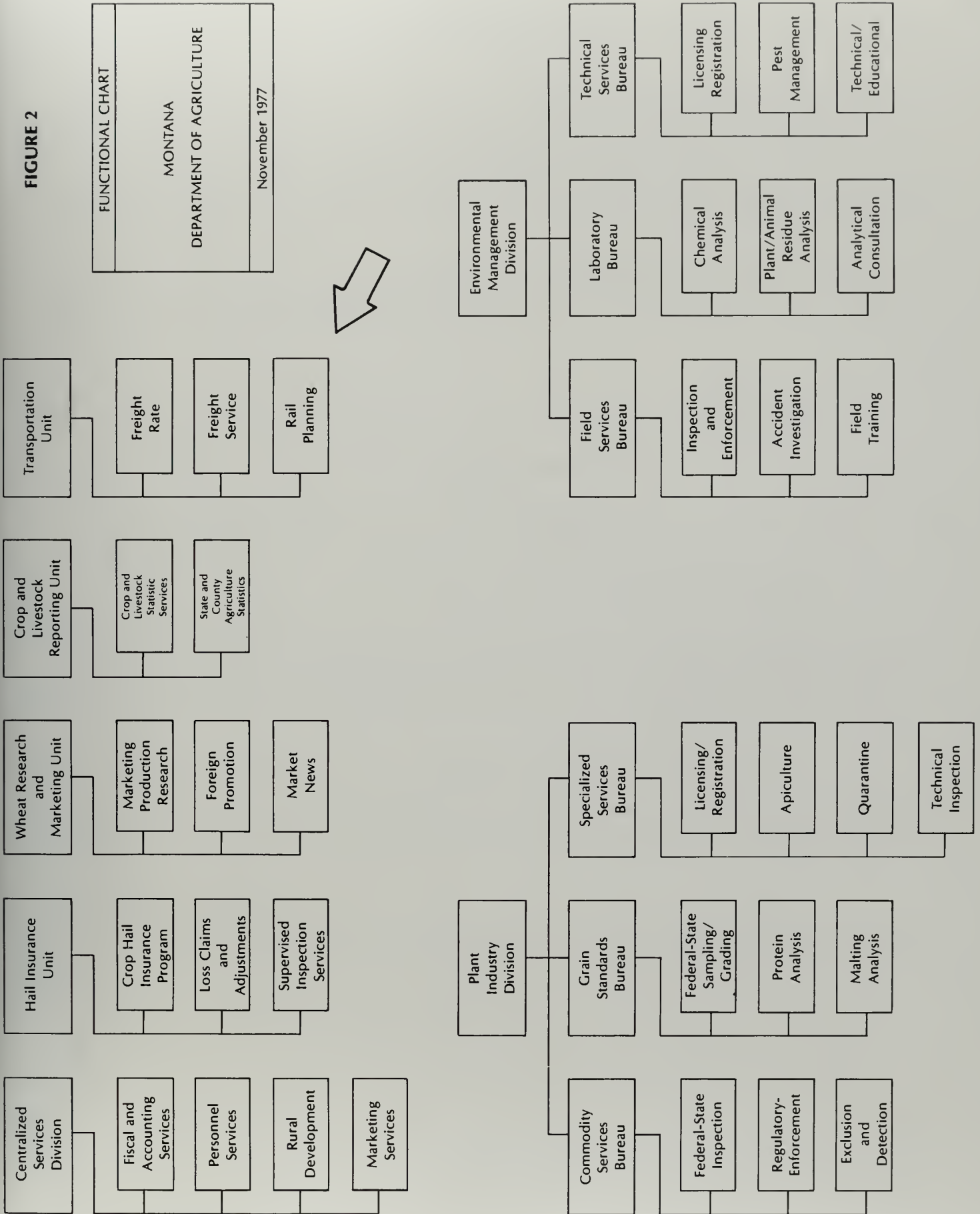
DEPARTMENT OF AGRICULTURE

Submitted by W. Gordon McOmber, Director

Approved by Thomas L. Judge, Governor

November 1977

FIGURE 2



Specifically, Montana's rail plan will concentrate on those twenty-six light-density segments as candidates for assistance, and place major emphasis on their investigation.

### § 3.03 PLAN MILESTONES [49 C.F.R. 266.19(e)(6)]

Although Montana has worked to qualify and become eligible for planning assistance since early September, 1976, for all practical purposes its rail planning program began upon execution of Grant Agreement PL-7-MT-01 on March 30, 1978. It is anticipated that this revised planning work statement will be approved during June, 1978, and federal planning funds will be available for disbursement so that the actual planning process may begin on July 3, 1978. It is expected that 24 months will be required to complete and perfect Montana's Final State Rail Plan with a projected approval date of June 30, 1980.

### § 3.04 SPECIFIC ACTIVITY MILESTONES [49 C.F.R. 266.19(e)(6)]

Table IV lists the activities or work items, with milestones, to be undertaken by Montana in its rail planning process.

TABLE IV			
MONTANA STATE RAIL PLAN			
Work Items <sup>a/</sup>			
No.	Work Item	Begin	Conclude
1.	Prepare and Submit Revised Planning Work Statement . . . .	4-3-78	5-22-78
2.	Planning Fund Available . . . . .	7-3-78	
3.	Begin Planning Process . . . . .	7-3-78	
4.	Develop Rail Policy . . . . .	7-3-78	10-31-78
5.	Develop Plan Data . . . . .	9-1-78	3-30-79
6.	Initial Public Forum . . . . .	11-1-78	12-31-78
7.	Rail Services Overview . . . . .	1-3-79	6-30-79
8.	Analysis and Evaluation of Data . . . . .	3-1-79	9-30-79
9.	Preliminary Assessment and Line Classification . . . . .	10-1-79	12-31-79
10.	Assemble Preliminary Plan . . . . .	1-3-80	2-15-80
11.	Preliminary Plan Release . . . . .	2-15-80	
12.	Hearings — Preliminary Plan . . . . .	2-20-80	3-1-80
13.	First Revisions . . . . .	3-1-80	3-15-80
14.	Hearings — Revised Plan . . . . .	3-18-80	4-1-80
15.	Final Revisions . . . . .	4-1-80	4-15-80
16.	Submit to Governor . . . . .	4-15-80	
17.	Certification by Governor . . . . .		6-1-80
18.	Submit Plan to F.R.A. . . . .	6-2-80	
19.	Review Plan with F.R.A. . . . .	6-15-80	6-30-80
20.	Final Plan Approved . . . . .		6-30-80

a/ See PERT Chart, Appendix B, attached

### § 3.05 MAJOR WORK TASKS

The work items are grouped into major work tasks for administrative and budgetary control as shown in Table V.



**TABLE V**  
**MONTANA STATE RAIL PLAN**  
**Major Work Tasks**

<b>Work Task No.</b>	<b>Work Task</b>	<b>Work<sup>a/</sup> Item No.</b>
I.	FOUNDATION FOR PLAN (See section 3.06)	1-2-3
II.	DATA COLLECTION (See section 3.07)	5
III.	DEVELOPMENT OF PLANNING PROCESS (See section 3.08)	4
IV.	ANALYSIS (See section 3.09)	7-8
V.	APPLICATION OF PLANNING (See section 3.10)	9-10-11-13-15
VI.	PUBLIC INVOLVEMENT (See section 3.11)	6-12-14
VIII.	PREPARATION & SUBMITTAL OF FINAL STATE RAIL PLAN (See section 3.12)	16-17-18-19-20

<sup>a/</sup> See Table IV, section 3.04.

### § 3.06 WORK TASK I OUTLINE

The first work task to be completed is a restructuring and revision of all previously filed planning work statement submittals into one document. Upon acceptance by the Administrator of a revised planning work statement, grant funds may be disbursed to applicant for further planning tasks. This revision task began on April 3rd and will be completed for submittal on May 22, 1978. **Proposed budget: \$10,325** (See Table VII for detail).

### § 3.07 WORK TASK II OUTLINE

The second major work task will be to assemble available data, and generate new data, as more fully explained in sections 2.08, 2.09, 2.10 and 2.11, adequate to meet the requirements of 49 C.F.R. 266.15 for a state rail plan. The procedure will begin on September 1st and be concluded on March 30, 1979. **Proposed budget: \$78,362** (See Table VII for detail).

### § 3.08 WORK TASK III OUTLINE

This task will involve the development of a planning process by the formulation of state rail policy as well as implementing the rail planning content and methodology. The task will include, but not be limited to the following:

- (1) **Adoption of A State Railroad Transportation Policy;**
- (2) **Setting of the planning objectives;**
- (3) **Identification of data needs and services;**
- (4) **Specify assumptions; and**
- (5) **Develop analytical methodology as detailed earlier in Chapter 2, including necessary computer capabilities.**

Applicant intends to begin on July 3rd and complete the task by October 31, 1978. **Proposed budget: \$32,828** (See Table VII for detail).



### § 3.09 WORK TASK IV OUTLINE

The Montana State Rail Plan will evaluate and analyze its "vulnerable" or "light-density" trackage designated and classified by the Secretary as "B" branchline.<sup>5</sup> This procedure will involve analysis of segments of rail line to:

- (1) **Identify operating carrier or carriers;**
- (2) **Locate and describe current characteristics and condition of trackage, right-of-way, interchange, yard and other rail facilities;**
- (3) **Describe rail operations;**
- (4) **Identify and survey shippers;**
- (5) **Determine traffic densities of freight;**
- (6) **Investigate passenger demands;**
- (7) **Determine extent or potential for intermodal competition;**
- (8) **Estimate assignable railroad revenues and costs;**
- (9) **Estimate social, environmental, economic and energy impacts of rail abandonment or service discontinuance; and**
- (10) **Estimate economic development potential for manufacturing and resources.**

The operations or work items included in this task provide a foundation for the application of planning objectives in Task V. It is proposed to begin Task IV on January 3, 1979 and conclude this phase of the plan on September 30, 1979. **Proposed budget: \$80,295** (See Table VII for detail).

### § 3.10 WORK TASK V OUTLINE

This task includes the preliminary assessment of Montana's "light-density" lines. An analysis will be made of each segment's economic, social, environmental and energy infrastructure. The task assessment will provide a method for ranking or classification in terms of:

- (1) **Rail revenue and cost considerations;**
- (2) **Economic impacts;**
- (3) **Social, environmental and energy impacts;**
- (4) **Development potential;**
- (5) **Defense essential.**

Task V's ultimate objective will be to select rail projects for which the State of Montana wished to provide assistance under the Act pursuant to established goals and criteria set forth in section 2.07. Selection will be based on consideration of the alternatives of subsidization, acquisition, rehabilitation, or substituted service.

Additionally, this task includes the assembly of the preliminary plan and the first and final revisions after public involvement. The time frame assigned for completion of this work task is shown in Table IV, work items 9, 10, 11, 13 and 15. **Proposed budget: \$43,413** (See Table VII for detail).

### § 3.11 WORK ITEM VI OUTLINE

The public involvement process for Montana's rail planning program is fully outlined in section 2.05 and 2.06. The process will be an ongoing procedure of public awareness and soliciting input through meetings, mailings, and other forms of public information releases. A coordination of all affected parties and agencies is also an ongoing part of the planning process. It will also be necessary for those involved in the development of the plan to attend meetings, seminars, etc., in order that they and the plan may be responsive to new developments in legislation and planning and to coordinate Montana's planning efforts with its adjacent states where rail segments cross state borders.

<sup>5</sup> See section 3.02, Table IX, and Appendix "D".

The time frame for this work item is difficult to forecast since its completion will depend upon other items. A tentative outline for involving the public is shown in Table IV. **Proposed budget: \$28,245** (See Table VII for detail).

### § 3.12 WORK TASK VII OUTLINE

The final work task will bring together the results of all planning efforts outlined in Table IV as work items and Table V as work tasks into a Final Montana State Rail Plan for submittal to the Administrator. It will include all operations necessary to meet the requirement of parts 265, 266 and 267 of the Code of Federal Regulations as they relate to local rail service assistance. Table IV shows this task to begin on April 15, 1980 and be completed by June 20, 1980. **Proposed budget: \$20,046** (See Table VII for detail).

### § 3.13 BUDGET BY TASK [49 C.F.R. 266.19(e)(6)]

Montana proposes to expend a total of \$293,514 for a state rail plan between April 3, 1978 and June 30, 1980. Of this total amount, \$241,863 will be federal funding by section 803 and matched by Montana's contribution of \$51,651 toward the plan. A proposed budget by major work task is included as Tables VI and VII.

Table VI lists direct labor costs to be incurred by task. First, an **average salary** for the two-year planning period was calculated for each position, based on a known salary level for fiscal year 1979, and increase of 6.5% for fiscal 1980. Second, each major task was assigned a specific number of months for completion from Table VI work items. Third, each position was assigned a specific "task time percentage" to generate task months for each position. Finally, each position's task months were multiplied by the average wage to calculate direct labor cost by position by task.

**TABLE VI**  
**MONTANA STATE RAIL PLAN**  
**Direct Labor Budget By Task**

Position	Task I	Task II	Task III	Task IV	Task V	Task VI	Task VII	All Tasks
<b>Planning Director:</b>								
Direct Labor	\$4,658	\$ 8,152	\$ 2,329	\$13,974	\$ 6,987	\$ 3,494	\$ 3,494	\$ 43,088 a/
<b>Planning Manager:</b>								
Direct Labor	xx	9,996	1,428	8,568	4,998	2,856	2,856	30,702
<b>Statistician III:</b>								
Direct Labor	xx	xx	4,800	14,400	4,800	2,400	xx	26,400
<b>Research Specialist:</b>								
Direct Labor	xx	7,700	2,200	6,600	4,400	2,200	550	23,650
<b>Research Specialist:</b>								
Direct Labor	xx	7,700	2,200	6,600	4,400	2,200	550	23,650
<b>Secretary III:</b>								
Direct Labor	1,704	1,491	852	2,130	682	852	852	8,563 a/
<b>Secretary III:</b>								
Direct Labor	xx	4,473	852	7,668	2,556	1,704	1,704	18,957
<b>Clerk, Gen. Office:</b>								
Direct Labor	xx	5,481	3,132	4,698	2,349	1,566	392	17,618
<b>TOTAL DIRECT LABOR:</b>	<u>\$6,362</u>	<u>\$44,993</u>	<u>\$17,793</u>	<u>\$64,638</u>	<u>\$31,172</u>	<u>\$17,272</u>	<u>\$10,398</u>	<u>\$192,628</u>

a/ State matching in-kind share.

**TABLE VII**  
**MONTANA STATE RAIL PLAN**  
**Budget By Task**

Object Class Category	Task I	Task II	Task III	Task IV	Task V	Task VI	Task VII	All Tasks
Total Direct Labor a/	\$ 6,362	\$44,993	\$17,793	\$64,638	\$31,172	\$17,272	\$10,398	\$192,628
Fringe Benefits b/	763	4,399	2,135	7,757	3,741	2,073	1,248	23,116
Material & Supplies	100	3,500	3,500	2,000	1,000	1,000	1,500	12,600
Travel	1,100	7,500	1,000	2,500	500	5,000	1,000	18,600
Rent c/	xx	900	900	900	900	900	900	5,400
Contractual:								
Printing	2,000	2,000	2,500	500	100	2,000	5,000	14,100
Computer	xx	1,000	2,500	2,000	1,000	xx	xx	6,500
Consultants	xx	13,070	2,500	xx	5,000	xx	xx	20,570
Total Contractual	2,000	16,070	7,500	2,500	6,100	2,000	5,000	41,170
Total Direct Costs	\$10,325	\$78,362	\$32,828	\$80,295	\$43,413	\$28,245	\$20,046	\$293,514
Indirect Charges	xx	xx	xx	xx	xx	xx	xx	xx
<b>TOTAL PROGRAM COSTS:</b>	\$10,325	\$78,362	\$32,828	\$80,295	\$43,413	\$28,245	\$20,046	\$293,514
<b>FUNDING</b>								
Grant Agreement:								
PL-7-MT-01 (Federal)	\$ 3,963	\$68,719	\$29,647	\$64,191	\$35,744	\$23,899	\$15,700	\$241,863
State d/	6,362	9,643	3,181	16,104	7,669	4,346	4,346	51,651
<b>TOTAL PROGRAM FUNDING:</b>	\$10,325	\$78,362	\$32,828	\$80,295	\$43,413	\$28,245	\$20,046	\$293,514

a/ See Table No. VI.

b/ Fringe Benefits based on 13% of direct labor cost.

c/ Rent @ 1,200 square feet, \$2.00 per foot fiscal 1979 and \$2.50 per foot fiscal 1980, averaged.

d/ See section 3.14 and Table VI.

Table VII carries over direct labor costs from Table VI and assigns object class category costs to each major work task. In addition, funding sources are shown by task. Based on a total program cost of \$293,514, Montana intends to contribute as a matching share \$51,651, or 17.6%, far in excess of its required share of 10% (49 C.F.R. 266.9). Table VIII projects forecasted cash needs during the course of the program.

### § 3.14 EXPLANATION OF IN-KIND BENEFITS

Montana's share of the rail planning program will be provided through in-kind benefits as authorized by 49 C.F.R. 267. They will take the form of personal services furnished by professional and skilled labor employed by the grantee. Table VI, Direct Labor Budget By Task, shows a Planning Director's direct labor cost of \$43,088, and Secretary III incurring labor costs of \$8,563 during the program. These two employees are presently employed by the grantee and paid from a state general fund appropriation.

Montana proposes to dedicate 75% of the time and state wage of the director of rail planning, as is shown in Table VI<sup>6</sup> as \$43,088. Also, secretarial assistance is proposed by a state employee of grantee for 10 months during the program, contributing \$8,563 as in-kind matching share.<sup>7</sup>

<sup>6</sup> 18.5 task months of a twenty-four month period.

<sup>7</sup> 10 task months of a twenty-four month period.

# PART III — BUDGET INFORMATION

OMB NO. 90-RO-186

## SECTION A — BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Rail Plan	20,308	\$	\$	\$241,683	\$51,651	\$293,514
2.						
3.						
4.						
5. TOTALS		\$	\$	\$241,683	\$51,651	\$293,514

## SECTION B — BUDGET CATEGORIES

Object Class Categories	Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$192,628	\$	\$	\$	\$192,628
b. Fringe Benefits	23,116				23,116
c. Travel	18,600				18,600
d. Equipment					
e. Supplies	12,600				12,600
f. Contractual	41,170				41,170
g. Construction					
h. Other <sup>a/</sup>	5,400				5,400
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	\$293,514	\$	\$	\$	\$293,514
7. Program Income	\$	\$	\$	\$	\$



# PART III — BUDGET INFORMATION

## SECTION C — NON-FEDERAL RESOURCES

(a) GRANT PROGRAM	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTALS	\$	\$	\$	\$

## SECTION D — FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$112,979	\$ 8,762	\$34,739	\$34,739	\$34,739
14. Non-Federal	20,346	1,563	6,261	6,261	6,261
15. TOTALS	\$133,325	\$ 10,325	\$41,000	\$41,000	\$41,000

## SECTION E — BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) GRANT PROGRAM	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16. State Rail Plan 20, 308	\$112,956	\$15,928	\$	\$
17.				
18.				
19.				
20. TOTALS	\$112,956	\$15,928	\$	\$

## SECTION F — OTHER BUDGET INFORMATION

(Attach Additional Sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:<sup>a/</sup> Rent expense



**TABLE VIII**  
**MONTANA STATE RAIL PLAN**  
**Forecasted Cash Needs**

<b>Quarter</b>	<b>Federal</b>	<b>State</b>	<b>Total</b>
First (April - June '78)	\$ 8,762	\$ 1,563	\$ 10,325
Second (July - September '78)	34,739	6,261	41,000
Third (October - December '78)	34,739	6,261	41,000
Fourth (January - March '79)	34,739	6,261	41,000
Fifth (April - June '79)	28,729	6,261	35,000
Sixth (July - September '79)	28,739	6,261	35,000
Seventh (October - December '79)	28,739	6,261	35,000
Eighth (January - March '80)	26,739	6,261	33,000
Ninth (April - June '80)	<u>15,928</u>	<u>6,261</u>	<u>22,189</u>
<b>TOTALS:</b>	<b>\$241,863</b>	<b>\$51,651</b>	<b>\$293,514</b>

### § 3.15 MONTANA'S LIGHT-DENSITY SEGMENTS

Throughout this revised planning work statement, reference has been made to Montana's "light-density" rail segments. Those segments form the basis for investigation and analysis in the rail plan for they are:

**" . . . the specific services which are eligible for assistance or which are expected to become eligible during the period of the program." 49 C.F.R. 266.19(e)(4).**

The segments, with mileages are shown in Table IX.

**TABLE IX**  
**MONTANA'S RAIL LIGHT-DENSITY SEGMENTS**

<b>Segment No.</b>	<b>Montana Light-Density Segments</b>	<b>Rail Miles</b>
<b>BURLINGTON NORTHERN INC.:</b>		
B-1	Bainville to Opheim	146.8
B-2	Sidney to Richey	49.4
B-3	Glendive to Brockway	63.7
B-4	Snowden to Glendive	79.8
B-5	Carlyle Branch (Montana Only)	7.4
B-6	Glasgow to A.F.B.	18.8
B-7	Brazil to Creek Sour	22.8
B-8	Saco to Hogeland	78.8
B-9	Colstrip to Cow Creek	4.4
B-10	Mossmain to Rapelje	37.7
B-11	Silesia to Red Lodge	34.5
B-12	Moccasin to Lewistown	30.8
B-13	Mission to Wilsall	22.7
B-14	Manhattan to Anceney	15.1
B-15	Sappington to Harrison	10.0
B-16	Whitehall to Alder	45.3
B-17	Helena to Basin	42.1
B-18	Power to Pendroy	51.3
B-19	Valier to Conrad	20.0
B-20	Stryker to Eureka	22.3
B-21	Columbia Falls to Somers	24.9
B-22	Missoula to Darby	65.2
	<b>SUB-TOTAL — B.N.</b>	<b>893.8</b>
<b>MILWAUKEE ROAD:</b>		
M-23	Lewistown to Winifred	44.2
M-24	Lewistown to Heath	10.5
M-25	Great Falls to Agawam	65.7
	<b>SUB-TOTAL — MILWAUKEE</b>	<b>120.4</b>
<b>SOOLINE RAILROAD:</b>		
S-26	Westby to Whitehall	56.9
	<b>MONTANA TOTALS — ALL SEGMENTS</b>	<b>1,071.1</b>

Included within those twenty-six segments are five (5) rail lines which the carriers have classified as "anticipated subject of abandonment application within 3 years"<sup>8</sup> or "potentially subject to abandonment."<sup>9</sup> These are shown in Table X.

By the inclusion of all so-called light-density lines for study in a rail plan, Montana is assured that it will meet its responsibilities to F.R.A. and its citizens in the local service assistance program.

**TABLE X**  
**MONTANA'S VULNERABLE RAIL LINES**

<b>Carrier</b>	<b>Segment No.</b>	<b>Segment</b>	<b>Mileage</b>	<b>Category</b>
B.N.	B-8	Hogeland Br.	78.8	I
B.N.	B-11	Red Lodge Br.	34.5	I
B.N.	B-12	Moccasin	30.8	I
B.N.	a/	Haugan-State Line	19.3	I
MILW	M-23	Winifred Br.	43.4	I
MILW	M-25	Fairfield-Agawam	31.3	II
MILW	a/	Ringling-Dorsey	3.5	I
<b>TOTAL:</b>			<b>241.6</b>	

a/ Not included as light-density.

Additionally, the state rail plan will be approached with a view to flexibility so that changes in the list of light-density segments, or changes in the categories of Montana's rail lines, will be incorporated into the plan at the earliest possible moment.

### **§ 3.16 MISCELLANEOUS MANAGEMENT ITEMS [49 C.F.R. 266.19(c)]**

49 C.F.R. 266.19(c) requires specific items of information be furnished to qualify and become eligible for planning assistance.

#### **266.19(c)(1)**

##### **Full and Correct Name and Principal Business Address of Applicant:**

DEPARTMENT OF AGRICULTURE  
STATE OF MONTANA  
Airport Way - Building West  
1300 Cedar Street  
Helena, Montana  
59601

#### **266.19(c)(2)**

##### **Name, title, and address of the iterim contact person to whom correspondence regarding the application should be addressed:**

MR. GENE J. CARROLL  
DIRECTOR OF RAIL PLANNING  
DEPARTMENT OF AGRICULTURE  
STATE OF MONTANA  
Address Above

<sup>8</sup> 49 C.F.R. 1121.20(b)(1), Category 1.

<sup>9</sup> 49 C.F.R. 1121.20(b)(2), Category 2.

## 266.19(c)(3)

**Budget estimates for development of the  
Montana State Rail Plan:**

See Tables VI and VII Herein.

## 266.19(c)(4)

**Evidence of Matching Share**

Applicant Montana Department of Agriculture CERTIFIES that a general fund appropriation made by Montana House Bill 145 provides funds to applicant for use as in-kind matching funds during fiscal years 1978 and 1979 (July 1, 1977 to June 30, 1979), and further CERTIFIES its intention to use sufficient funds therefrom as its share of the total assistance. Applicant CERTIFIES that he has budgeted \$1,563 to its Transportation Unit as in-kind matching share during fiscal year 1978 and \$25,044 during fiscal year 1979 and intends to budget \$25,044 state funds as in-kind matching during fiscal year 1980 (July 1, 1979 to June 30, 1980), total program in-kind matching \$51,651.

## 266.19(c)(5)

**Purpose of the Funds**

Applicant herein for planning assistance CERTIFIES that the federal funds provided under the Act will be used solely for the purpose for which the assistance is sought, and in conformance with the limitations on the expenditures allowed under the Act and applicable regulations.

## 266.19(c)(6)

**Certificate of Financial Control**

Applicant Montana Department of Agriculture herein CERTIFIES that adequate procedures for financial control, accounting, and performance evaluation have been established and will be utilized in order to assure proper use of federal funds.

## 266.19(c)(7)

**Method of Disbursement**

Applicant desires to receive disbursement of federal funds by advance payment.

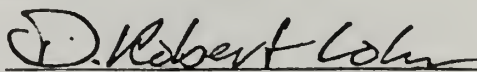
## 266.19(c)(8)

**Legal Opinion**

Please accept this as notification that the undersigned is legal counsel to applicant DEPARTMENT OF AGRICULTURE, STATE OF MONTANA, that I am knowledgeable of the application and planning statement herewith submitted, that I have reviewed the rules and regulations of the Administrator under 49 C.F.R., Chapter II, Part 266, and submit the following opinion:

**I am familiar with the corporate or other organizational powers of the applicant, that the applicant is authorized to make the application, that the applicant is eligible to receive rail service assistance under the requirements of the Act and of Part 266, 49 C.F.R., and that the applicant has the requisite authority to carry out actions proposed in the application and to assume the responsibilities and obligations created thereby.**

Respectfully submitted,

s/ 

D. ROBERT LOHN

Counsel to the Governor

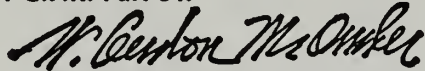
Special Counsel to the Department of Agriculture

## 266.19(c)(9)

## Certificate of Additional Compliance

Applicant Montana Department of Agriculture herein CERTIFIES compliance with and AGREES to comply with:

- (1) Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d et seq., and all requirements imposed by 49 C.F.R. Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation;
- (2) Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976, 90 Stat. 148, 45 U.S.C. 803, and all requirements imposed by 49 C.F.R. Part 265 (41 F.R. 4286, January 24, 1977), Nondiscrimination in Federally-Assisted Railroad Programs;
- (3) Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, 43 U.S.C. 4601 et seq., and all requirements imposed by 49 C.F.R. Part 25, Relocation Assistance and Land Acquisition under Federal and Federally-Assisted Programs;
- (4) Where applicable, the Rehabilitation Act of 1973, 87 Stat. 394, 29 U.S.C. 794, with regard to nondiscrimination under Federal grants;
- (5) The Hatch Act, 5 U.S.C. 1501 et seq. which limits the political activities of employees; and
- (6) Where applicable, the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq., and all requirements imposed by 31 C.F.R. Part 51.

s/   
 W. Gordon McOmber, Director  
 Montana Department of Agriculture

### § 3.17 APPLICATION FOR ASSISTANCE [49 C.F.R. 266.19(b)(1)]

Applications for assistance shall be submitted by the designated State agency using the standard forms contained in Attachment M of Office of Management and Budget Circular No. A-102, Revised.

Montana herewith submits its application for rail service assistance (planning) by inclusion of Standard Form 424 as Appendix "C" hereto.

### § 3.18 WITHDRAWAL OF PRIOR SUBMITTALS [49 C.F.R. 266.19(b)(3)]

Applicant desires to withdraw and cancel its Planning Work Statement (February 1, 1977) and all subsequent filings as obsolete. This revised planning work statement consolidates and updates those cancelled submittals.





# **AFFIRMATIVE ACTION**



# **REVISED PLANNING WORK STATEMENT**

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## **CHAPTER 4**

### **RAIL PLANNING AFFIRMATIVE ACTION**

#### **§ 4.01 AFFIRMATIVE ACTION PLAN [49 C.F.R. 265]**

The Federal Railroad Administration Regulations<sup>1</sup> implementing section 905 of the 4R Act require a written affirmative action program as a condition to the extension of any financial assistance under the Act. By part 265, an applicant's plan must deal with both employment as well as contracts, and it should be prepared in two separate parts. Chapter 4 will detail the current affirmative action program of applicant Montana Department of Agriculture for employment purposes, and indicate a willingness to contract in accordance with the principles of 49 C.F.R. 265 during the planning process.

#### **§ 4.02 AFFIRMATIVE ACTION — MINORITY RESOURCE — CONTRACTS**

A state applying for a grant for planning purposes only must submit the required historical study [49 C.F.R. 265.13(c)(2)]. Its affirmative action plan requirements will be satisfied if it demonstrates a clear willingness to contract in accordance with the principles of part 265. Applicant has been advised that this can be evidenced by an internal policy directive requiring any organizational element which procurs for the planning program to solicit from minority firms to the extent possible.

Applicant submits that as designated agency for purposes of implementing a state rail plan, it shall be the policy of the agency to adhere to an affirmative action program for contractual procurement consistent with the requirements of part 265 as follows:

#### **MONTANA DEPARTMENT OF AGRICULTURE**

Policy Directive 22878

February 28, 1978

---

**The Department of Agriculture, as "designated agency", has the responsibility to institute, implement, and maintain a State Rail Plan Program on behalf of the State of Montana.**

**To that end, the department shall avail itself of planning funds to be provided by the Federal Railroad Administration, Department of Transportation, as assistance to states for rail service assistance under section 5 of the Department of Transportation Act.**

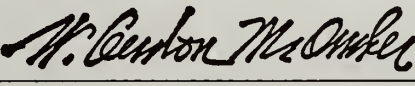
**IT SHALL BE THE POLICY of the department that all contractors, sub-contractors, sub-grantees, and other firms doing business with the department be required to be in compliance with the provisions of Title 64, Sections 316-330, Revised Codes of Montana, 1947; and**

**IT SHALL BE THE POLICY of the department that the administration of the program shall be aware of, and governed by, the requirement that procuring for the planning program must include solicitation from minority firms to the extent possible; and**

---

<sup>1</sup> 49 C.F.R. 265, 42 F.R. 4286, January 24, 1977.

IT SHALL BE THE EXPRESS POLICY of the department throughout the rail planning program to be governed by the provisions and requirements of section 905 of the Railroad Revitalization and Regulatory Reform Act of 1975, as implemented by 49 C.F.R. 265.

s/ 

W. Gordon McOmber, Director

**§ 4.03 HISTORICAL STUDY [49 C.F.R. 265.13(c)(2)]**

Applicant Montana Department of Agriculture has not awarded any contracts for procurement during the past year. As a result, the analysis under 265.13(c)(2)(i) and comparison required by 265.13(c)(2)(ii) cannot be made.

**§ 4.04 MISCELLANEOUS AFFIRMATIVE ACTION ITEMS [(49 C.F.R. 265.25)]**

Each person required to submit a written affirmative action program shall include the following information:

**49 C.F.R. 265.25(a)(1):**

A brief description of other pending applications to other federal agencies for financial assistance, and of federal assistance being provided at the time of submission of the affirmative action program.

**PENDING:**

**To the United States Department of Agriculture, Agricultural Marketing Service and Extension Service, "A Promotional Program To Develop and Expand Direct Marketing Systems in Montana," submitted December 1, 1977, Catalog of Federal Domestic Assistance No. 10.500.**

**BEING PROVIDED:**

- (1) **Environmental Protection Agency, Enforcement Grant for Pesticide Applicator Certification, Grant No. E008194010;**
- (2) **Environmental Protection Agency, Cooperative Pesticide Enforcement, Grant No. #008189-01.**

**49 C.F.R. 265.25(a)(2):**

Civil Rights Compliance Reviews.

None.

**49 C.F.R. 265.25(a)(3):**

Relocation of persons or businesses as a result of the program receiving financial assistance.

None.

**49 C.F.R. 265.25(a)(4):**

Construction of new facilities or expansion of existing facilities resulting from program financial assistance.

None.

**49 C.F.R. 265.25(a)(5):**

NOT APPLICABLE

**§ 4.05 AFFIRMATIVE ACTION — EMPLOYMENT**

The balance of Chapter 4 is an "Affirmative Action Plan for Equal Employment Opportunity" outlining the affirmative action program of Applicant Montana Department of Agriculture.



**STATE OF MONTANA**  
**DEPARTMENT OF AGRICULTURE**

**AFFIRMATIVE ACTION PLAN**  
**FOR**  
**EQUAL EMPLOYMENT OPPORTUNITY**

**W. GORDON McOMBER**  
**DIRECTOR**

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# I. AGENCY SUPPORT

## Section 1. BASIC POLICY STATEMENT

It is the policy of the state of Montana, Department of Agriculture to insure that all employees and all applicants for employment are treated equally regardless of their race, color, religion, national origin, age, marital status, ancestry, receipt of public assistance, political beliefs, physical or mental handicap, ex-offender status, and sex, unless sex, ex-offender status, and/or physical or mental handicap relates to a bona fide occupational requirement. Such action to implement this policy shall include but is not limited to recruitment, benefits, qualifications, employment, promotions, demotions or transfers; layoff or termination; including apprenticeship and/or on the job training. The Department of Agriculture will sustain a deliberate effort to equalize employment opportunities for minorities and women at all levels and in all segments of the department's work force. All employment applicants will be recruited from the available labor market and employed in accordance with each person's individual qualifications and abilities.

Eldon Fastrup, Director of Program and Operations, is the Department of Agriculture's Equal Employment Opportunity Officer. Mr. Fastrup, on behalf of the Director of the Department of Agriculture, has the over-all responsibility and authority for coordinating equal opportunity and affirmative action efforts of the department.

Equal opportunity can only be reached with the active support and cooperation of all departmental employees. In this, all employees are held responsible for helping to assure the success of the Department of Agriculture's Affirmative Action Program.




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W. Gordon McOmber, Director  
Department of Agriculture

July 19, 1977

Date

## INTRODUCTION

### Purpose of Affirmative Action

Affirmative action is the implementation of a deliberate and sustained effort to equalize employment opportunities in all levels of state government. It goes beyond the establishment of neutral non-discriminatory policies and takes positive steps to identify and eliminate any barriers which may discriminate against any persons or class of persons seeking employment or presently employed by the state. The purpose of affirmative action is to fully utilize the "affected class" work force potential so as to provide at all levels of state governmental work force which is representative of the state's labor market. State government must be a leader in actively pursuing equal employment opportunity for four reasons. First, the people of Montana have spoken in full support of equal employment opportunity through their elected representatives to the Constitutional Convention and the Legislative Assembly. Secondly, state agencies are enforcing equal opportunity provisions in private enterprise, a job made easier if the state itself is in full compliance. Third, the state's access to federal funds is endangered if compliance with federal statutes is in question. Fourth, the denial of equal opportunity in employment is a discriminatory practice as defined in Title VII of the 1964 Civil Rights Act, as amended.

### Legal Provisions

Equal opportunity in employment is a fundamental right of all citizens and is covered by state and federal laws. The State of Montana is committed to insure equal employment opportunity in an affirmative and active manner by Gubernatorial Executive Order 8-73; the Constitution of the State of Montana (Article II, Sections 3 and 4), (Article X, Section 7); the Montana Human Rights Act of 1974 (Section 64-301 to Section 64-315, R.C.M. 1947), as amended; and the Montana Code of Fair Practices Act of 1975 (Section 64-316 to Section 64-330, R.C.M. 1947). Montana state government is committed to uphold the requirements of Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Presidential Executive Order 11246, as amended; the Equal Pay Act of 1963; and the Age Discrimination in Employment Act of 1967. This Montana Affirmative Action Plan reaffirms and supports these state and federal laws, rules, and regulations in regard to non-discrimination in employment.

## DEFINITIONS

The following definitions shall apply for purposes of this Affirmative Action Plan.

1. **"Affected Class"**—refers to those groups of people who have suffered and continue to suffer effects of past discrimination. This includes, but is not limited to persons in the following categories: minorities, women, physically or mentally handicapped, aged, ex-offenders, religious groups, public assistance recipients, or those discriminated against because of their marital status, political beliefs, national origin or ancestry.
2. **"Employee"**—means any individual regularly employed by an agency on a part or full-time basis.
3. **"Executive Officer"**—means the highest ranking officer and chief administrator of an agency, responsible for all functions within that agency.
4. **"Equal Employment Opportunity Officer"**—refers to the person, under the supervision of the "Executive Officer", responsible for coordinating and implementing the agency's Affirmative Action Plan in conjunction with requirements established by the Equal Employment Opportunity Bureau.
5. **"Good Faith Effort"**—means that every reasonable effort has been undertaken to meet the goals and timetables established in the Affirmative Action Plan.
6. **"Bona Fide Occupational Qualification" (BFOQ)**—refers to an exception to the discrimination provisions upheld by Equal Employment Opportunity laws. A BFOQ may permit an employer to discriminate where a job requires certain restrictions on qualifications that are **essential** to the accomplishment of the job.
7. **"Affirmative Action"**—means steps taken to remedy the inadequate and inequitable staffing and recruitment patterns that are the present consequences of discrimination and to prevent the occurrence of employment discrimination in the future.

## II. ASSIGNMENT OF RESPONSIBILITIES

### Section 1. THE EXECUTIVE OFFICER

The Executive Officer shall have full responsibility for assuring equal employment opportunity within the department and for implementing the Affirmative Action Plan. The Executive Officer shall insure the affirmative action encompasses all aspects of the agency's operation including staffing, recruiting, training, and complaint-resolution. The Executive Officer will insure a good faith effort in the achievement of employment goals and upgrading of affected class members within the department.

Action Item	Responsible Official	Target Date
1. Appointment of department EEO Officer and identified in writing to the state EEO Bureau.	Executive Officer	Dec. 18, 1975
2. A work plan and development procedure of the department's Affirmative Action Plan will be submitted to the state EEO Bureau.	Executive Officer EEO Officer	Dec. 23, 1975
3. EEO orientation meeting for administrative personnel.	Executive Officer EEO Officer	Jan. 15, 1976
4. Affirmative Action Plan will be reviewed and submitted to EEO Bureau for authorization.	Executive Officer EEO Officer Administrators	June 30, 1976

5. The Executive Officer will meet semi-annually with the EEO Officer to evaluate the progress of each unit in relation to established goals.	Executive Officer	July 30, 1976 (semi-annually)
6. Insure that Affirmative Action encompasses all aspects of the agency's operation including staffing, recruiting, and training needs.	Executive Officer	July 30, 1976 (ongoing)
7. Insure that complaint procedures are strictly adhered to without retaliation or reprisal against any person filing a formal or informal discrimination complaint, or against any person giving testimony or aiding in the resolution of complaints.	Executive Officer	July 30, 1976 (ongoing)
8. Insure accurate completion and submission of the agency's Affirmative Action Plan and Semi-Annual Affirmative Action Status Reports to the Equal Employment Opportunity Bureau.	Executive Officer	Six months after acceptance of plan (semi-annually)
9. Insure a "good faith effort" in the achievement of employment goals and upgrading of "affected class" members within the agency.	Executive Officer	July 30, 1976 (ongoing)
10. Cooperate and provide information to the Equal Employment Opportunity Bureau when a review of the agency's Affirmative Action Plan is scheduled.	Executive Officer	July 30, 1976 (ongoing)

## Section 2. THE EQUAL EMPLOYMENT OPPORTUNITY OFFICER

The EEO Officer is responsible for developing and implementing the department's Affirmative Action Plan. The EEO Officer has been delegated the necessary authority to properly and efficiently carry out his responsibility for coordinating the department's cooperation with the state EEO Bureau and providing necessary information and data on Affirmative Action.

Action Item	Responsible Official	Target Date
1. EEO orientation meeting for administrative personnel.	EEO Officer	Jan. 12, 1976
2. Information memo outlining EEO principles, goals, and concepts to all departmental employees.	EEO Officer	Jan. 15, 1976
3. Complete preliminary draft of department Affirmative Action Plan. Establish goals, procedures, and methods to effectively implement plan.	EEO Officer	June 15, 1976
4. Review Affirmative Action Plan for initial submission to the state EEO Bureau.	Department Director Administrator of Centralized Services EEO Officer	June 30, 1976
5. Maintain Affirmative Action records and documentation.	EEO Officer	Initiate July 1, 1976 (ongoing)



### Section 3. ADMINISTRATOR OF CENTRALIZED SERVICES

The Administrator of Centralized Services is responsible for carrying out equal employment opportunities and Affirmative Action personnel procedures. It is the Administrator's responsibility to implement Affirmative Action in recruitment procedures and in communications with community, minority and women's groups. The Administrator of Centralized Services will consult with the EEO Officer and participate in the semi-annual program assessment.

Action Item	Responsible Official	Target Date
1. Complete preliminary draft of department Affirmative Action Plan. Establish short and long range goals, procedures and methods to effectively implement the plan.	Administrator of Centralized Services EEO Officer	June 30, 1976
2. Review Affirmative Action Plan for initial submission to the EEO Bureau.	Department Director Administrator of Centralized Services EEO Officer	June 30, 1976
3. Maintain Affirmative Action personnel records and documentation.	Administrator of Centralized Services	Initiate July 1, 1976 (ongoing)

### Section 4. DIVISION ADMINISTRATORS AND SUPERVISORY PERSONNEL

All officials and managers will be familiar with the department's Affirmative Action Program, clearly understanding their job responsibilities for equal employment opportunity and assure the success of the Affirmative Action Plan. They shall promote and develop the purposes of the program within their specific division and throughout the department. Management performance in regard to the Affirmative Action Program will be evaluated as is performance on other department goals.

Action Item	Responsible Official	Target Date
1. Attend initial and subsequent meetings where Affirmative Action Program, its basic goals and implementation will be discussed. Provide input, suggestions, or questions on the Affirmative Action Program.	Division Administrators Supervisory Personnel	Jan. 12, 1976 (ongoing)
2. Utilization analysis of department staffing pattern, position incumbents, classification specifications with respect to factors contained in Section 501, State Affirmative Action Plan.	Division Administrators	Feb. 20, 1976
3. Identify deficiencies, analyze projected staffing patterns, position needs and level changes, develop goals and actions to resolve deficiencies.	Division Administrators EEO Officer	March 4, 1976

## III. DISSEMINATION OF POLICY

### Section 1. INTERNAL DISSEMINATION

To insure that all employees of the Department of Agriculture are made aware of and fully understand the policy of non-discrimination and equal employment opportunity, and the ramifications of the Affirmative Action Plan.

Action Item	Responsible Official	Target Date
1. Copies of the policy statement and the EEO complaint procedure will be distributed to all department employees; the EEO Officer's name and telephone number will be included.	Executive Officer	July 30, 1976
2. The policy statement and the EEO complaint procedure will be posted on all division bulletin boards; the EEO Officer's name and telephone number will be included.	EEO Officer	July 30, 1976
3. Periodic meetings of supervisory and personnel office employees will be conducted in conjunction with staff meetings, to be conducted not less than every six months, at which time the department's Affirmative Action Plan and implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or another qualified agency official.	EEO Officer	July 30, 1976 (ongoing)
4. All new supervisory or personnel office employees will be given a thorough orientation by the EEO Officer or another qualified agency official. This shall cover all aspects of the agency's equal employment opportunity obligations, and occur within thirty working days following their reporting for duty with the agency.	EEO Officer	July 30, 1976 (ongoing)
5. Employees will be encouraged through the division meetings, to approach their supervisors or the EEO Officer concerning any questions or suggestions regarding Affirmative Action.	EEO Officer	July 30, 1976 (ongoing)
6. All employees will have the entire Affirmative Action Plan available to them through the division administrators, the EEO Officer and the Administrator of Centralized Services.	EEO Officer	July 30, 1976 (ongoing)
7. All new employees will receive a copy of the policy statement and the complaint procedure, a thorough orientation to the department's Affirmative Action Program and information on obtaining the complete plan if the employee would desire a complete copy.	EEO Officer	Within 30 days of employment
8. The EEO Officer or other qualified agency official shall instruct all employees engaged in the recruitment of potential employees as to the objectives of Affirmative Action goals. The Officer shall also instruct these employees as to the procedures of locating and recruiting potential employees from the "affected class".	EEO Officer	July 30, 1976 (ongoing)



## Section 2. EXTERNAL DISSEMINATION

Action Item	Responsible Official	Target Date
1. Upon initial contact and with subsequent contacts for referral and recruitment purposes, external organizations shall receive a copy of the policy statement.	Administrator of Centralized Services	July 30, 1976
2. The phrase "Equal Employment Opportunity/Affirmative Action Employer" will be included on all departmental job announcements.	Administrator of Centralized Services	July 30, 1976 (ongoing)

## IV. UTILIZATION ANALYSIS

### Section 1. EMPLOYMENT DATA AS OF JUNE 30

### Section 2. EXTENT OF UNDER UTILIZATION

The Department of Agriculture's current employee labor force is shown by job classification in EEO-4 format on pages 000 and 000. This data shows the composition of the department's work force as of June 1, 1976.

A breakdown of the Department of Agriculture's minority and women employment is illustrated in Table A.

**TABLE A**  
**Department of Agriculture Labor Force**

JOB CATEGORY	MEN		WOMEN		MINORITY	
	Number	%	Number	%	Number	%
Officials/ Administrators	11	100%	0	0%	0	0%
Professionals	22	92%	1	4%	1	4%
Technicians	3	50%	3	50%	0	0%
Office/Clerical	0	0%	17	94%	1	6%
<b>TOTAL</b>	<b>36</b>	<b>61%</b>	<b>21</b>	<b>35%</b>	<b>2</b>	<b>4%</b>

Note: Elected, appointed, and temporary employees not included.

The Department of Agriculture normal recruitment area generally incorporates the State in all job categories except for two positions in our Transportation Division; Administrator and Transportation Specialist I. These positions are recruited on a national basis due to their technical/professional nature (see page 15).

Information on the percentage of each minority group (by sex) in the total population of Montana is summarized in Table B.

**TABLE B**  
**Percent of Breakdown of the**  
**Experienced Civilian Labor Force by Race and Sex**

<b>LABOR GROUP</b>	<b>% Male</b>	<b>% Female</b>	<b>Total %</b>
White	63.22	34.05	97.27
Native American	.96	.55	1.51
Spanish American	.62	.30	.92
Black	.12	.06	.18
Asian American	.09	.02	.06
<b>TOTAL</b>	<b>65.00</b>	<b>35.00</b>	<b>100.00</b>

Source: Table 172, 1970 census using "Instructions for Completing Utilization Analysis, Availability Analysis and Establishing Goals and Timetables."

Based on the 1970 census report, Montana's population (649,409) consists of 50% women, with 35.13% of the civilian labor force consisting of women, .88% Spanish American and 2.75% other minorities.<sup>1</sup>

Table C summarizes information on state unemployment for male and female.

**TABLE C**  
**Unemployment<sup>2</sup>**

<b>LABOR CLASS</b>	<b>% UNEMPLOYMENT</b>
Male	5.79
Female	6.81
Spanish American	5.52
Minority	18.10
<b>TOTAL STATEWIDE</b>	<b>6.15</b>

<sup>1</sup>Department of Labor and Employment Security Division, "Manpower Information for Affirmative Action Programs, 1974-1975."

<sup>2</sup>ibid.

The Department of Agriculture's turnover is summarized in Table D.

**TABLE D**  
**Turnover by Fiscal Year**

JOB CATEGORY	YEAR				
	1972	1973	1974	1975	1976 to date
Officials/ Administrators	0	1	0	2	2
Professionals	1	2	5	8	0
Technicians	0	1	0	3	0
Office/Clerical	3	10	7	2	3
<b>TOTAL</b>	<b>4</b>	<b>14</b>	<b>12</b>	<b>15</b>	<b>5</b>

## V. AVAILABILITY STUDY

### Section 1. GOALS AND TIMETABLES WORKSHEETS

### Section 2. AVAILABILITY ANALYSIS

The analysis completed in V. Section 2, utilizes the state of Montana as the recruitment and relevant labor market area for the Department of Agriculture, except for two positions in the Transportation Division in which the recruitment is based on a national basis due to a lack of a qualified, technical background, experienced labor force in the state of Montana. Table 172 of the 1970 U.S. Census was the source for all data on minority and female availability in the state of Montana labor force. The source of all data on minority and female availability on the national level (V., Section 1, Table F and H) utilizes Table 2, of the 1970 U.S. Census.

The analysis contained in Section 1 illustrates an under utilization of women in the officials/administrators, professionals and technical categories. Goals have been established to correct these areas of under utilization.

Section 2 analysis also illustrates an over utilization of women in the office and clerical job area. The Department of Agriculture will make a good faith effort to increase the utilization of men in this category.

Employee turnover information by job category is detailed on page 000, Table D. Past turnover trends and information was used to establish good faith timetables for correcting under utilization.

Goals and timetables in regards to promotion, transfer, and training are contained in IX. Job Structuring and Upward Mobility.

In the event that the department's employment should change enough to warrant a change in goals and objectives, and timetables as established in this Affirmative Action Plan, the Department will recommend such revision as necessary to the state EEO Bureau. All recommendations for revisions will be submitted in good faith with a continuing commitment to the Affirmative Action Program.

Action Item	Responsible Official	Target Date
1. Review of goals and timetables established making changes subject to EEO Bureau for approval.	EEO Office Division Administrators Executive Officer	July 15, 1976

## VI. GOALS AND TIMETABLES

### Section 1. GOALS AND TIMETABLES

Table K illustrates goals and target dates established for the department. For a lack of a goal in any category, see V. Goals and Timetables Worksheets, Section 1.

TABLE E  
Goals and Timetables

JOB CATEGORY	LABOR GROUP GOAL		Target Date June 30
	Minority	Female	
Officials/ Administrators	No Goal	2	1 per year 1979 & 1981
Professionals	No Goal	4	1 per year 1978-1981
Technicians	No Goal	No Goal	
Office/Clerical	No Goal	No Goal	

## VII. RECRUITMENT

### Section 1. INTERNAL RECRUITMENT PROCEDURES

Goal: Identify and eliminate discriminatory recruitment methods and practices in developing and establishment of affirmative recruitment practices.

Action Item	Responsible Official	Target Date
1. All existing recruitment methods and practices will be reviewed to identify and eliminate those that are discriminatory. Review of recruitment practices will be conducted on an annual basis consulting with affected class members in developing recruitment and personnel procedures.	EEO Officer Administrator of Centralized Services	July 30, 1976 (annually)
2. Standardize recruitment methodology and procedures throughout the department and use documentation of procedures to affirmatively comply with EEO.	EEO Officer Administrators	June 30, 1976 (ongoing)
3. All employees involved in recruitment will be informed of present methods and procedures found to be discriminatory and that are eliminated for future use.	EEO Officer Administrator of Centralized Services	August 15, 1976
4. All employees will be notified in writing of standardized recruitment methodology and procedures identified as in compliance with EEO and Affirmative Action.	Administrator of Centralized Services	Sept. 15, 1976



- |  |             |                |
|--|-------------|----------------|
| 5. Employees directly involved in recruitment will attend periodic meetings to receive information in regards to EEO; legal, affirmative and affected class recruitment potential. Employees will provide input, suggestions and questions at such meetings. | EEO Officer | Sept. 30, 1976 |
|--|-------------|----------------|

Follow through activities will include documentation of all steps by the responsible official.

## **Section 2. EXTERNAL RECRUITMENT SOURCES**

**Goal:** Establish standardized procedures for locating and encouraging a greater number of affected class members to have access to and apply for employment in the department.

Action Item	Responsible Official	Target Date
1. Development of a referral and recruitment resource list that will reach all segments of the population that work closely with affected class including but not limited to: minority organizations, women's groups, religious groups, educational institutions, and training schools.	EEO Officer	June 15, 1976 (ongoing)
2. Contacts of recruitment sources will state  "An Equal Employment/Affirmative Action Employer" and will reiterate interest in referrals and applications from qualified and qualifiable affected class members.	Administrator of Centralized Services	June 30, 1976 (ongoing)
3. Job openings will be listed with the state Employment Service. The Employment Service will include all minority and affected class in recruitment of qualified as well as qualifiable applicants.	Administrator of Centralized Services	June 15, 1976
4. All employment openings will be held open for a minimum of two (2) weeks to facilitate adequate response to recruitment efforts.	Employees setting closing dates Administrator of Centralized Services	June 1, 1976

Vacancy analyzation provisions are incorporated in: IX. Job Structuring and Upward Mobility.

A recruitment sources list will be maintained by the Administrator of Centralized Services in follow-up action.

## **Section 3. LITERATURE — RECRUITMENT**

**Goal:** Job announcements, publications, and other recruitment literature will reflect the Department of Agriculture's commitment to equal employment opportunity to all individuals.

Action Item	Responsible Official	Target Date
1. Job announcements, publications, and other recruitment literature will be reviewed to identify and eliminate discriminatory language and photography. Affected class members will participate in reviewing procedure.	EEO Officer	July 30, 1976 (ongoing)



2. A standardized job announcement format will be established and utilized throughout the department. Recruitment literature will be clear and concise to facilitate understanding by all prospective applicants.	EEO Officer Administrator of Centralized Services	July 30, 1976 (ongoing)
3. Recruitment advertising will not be proposed based on publications in sex-segregated listings except on the occasion that sex is a bona fide occupational job qualification in which event it shall be so identified.	Administrator of Centralized Services	July 30, 1976 (ongoing)
4. Recruitment literature shall state that the department is "An Equal Employment Opportunity/Affirmative Action Employer."	Administrator of Centralized Services	July 30, 1976 (ongoing)

## VIII. SELECTION PROCEDURES

### Section 1. SELECTION

**Goal:** Employee selection shall be based solely on job related qualifications and experience without discrimination on the basis of: race, color, religion, natural origin, age, marital status, ancestry, receipt of public assistance, political beliefs, physical or mental handicap, ex-offender status, and sex; unless sex, ex-offender status and/or physical or mental handicap relates to a bona fide occupational requirement.

Action Item	Responsible Official	Target Date
1. A selection committee consisting of the positions administrator or direct supervisor, EEO Officer and the department's Administrator of Centralized Services or their delegates will conduct selection procedures for all new employment. The committee will submit employment recommendations to the executive officer.	EEO Officer Administrators Executive Officer or Delegates	June 30, 1976 (ongoing)
2. Employees serving on a selection committee will receive training in affirmative action including emphasis on non-discriminatory screening, interviewing, reference checks, hiring and record maintenance.	EEO Officer Administrator of Centralized Services	Starting July 30, 1976 (ongoing)
3. Work experience as well as education will be evaluated for each applicant.	EEO Officer Employee Responsible for hiring	Aug. 15, 1976 (ongoing)
4. Reasons for employment decision will be directly documented.	Employee Responsible for hiring Reviewed by EEO Officer	Aug. 15, 1976 (ongoing)

During completion of the second semi-annual Affirmative Action Status report, the EEO Officer and the Administrator of Centralized Services shall review the training provided on selection procedures, scheduling additional training as deemed necessary.

A periodic review of documentation on selection and placement will be conducted by the EEO Officer, to identify and correct any area in which a disproportionate number of minorities or women have been rejected in the hiring process. If an area is so identified, the EEO Officer will meet with the division administrator to delineate and seek solutions to such problem areas by initiating corrective action.

## Section 2. TESTING

The Department of Agriculture uses no formal oral or written performance tests in the selection process. If at a future date, the Department should require formal testing, the EEO Officer shall review the tests, assuring that they comply with the Equal Opportunity Commission Guidelines on Employee Selection prior to their use.

## Section 3. NEPOTISM

Goal: To comply with state law (Section 59-518 through Section 59-520, R.C.M. 1947) in employment in regards to nepotism.

Action Item	Responsible Official	Target Date
1. To allow the employment of relatives within the Department so long as it is within state law and one relative is not responsible for supervision, hiring, promotion, termination, or determination of rate of pay of the other relative.	EEO Officer Employee Responsible for hiring Administrator of Centralized Services	July 30, 1976

# IX. JOB STRUCTURING AND UPWARD MOBILITY

## Section 1. JOB STRUCTURING

Goal: To assure that job classifications and descriptions based on job related criteria, are accurate.

Action Item	Responsible Official	Target Date
1. Review of job classification and correct all inaccuracies.	EEO Officer Administrator of Centralized Services	Oct. 30, 1976
2. Make new job classifications based on job related criteria.	EEO Officer Administrator of Centralized Services	Oct. 30, 1976 (ongoing)
3. Vacancies will be analyzed to determine if they can be filled equally well by the substitution of two part-time positions.	EEO Officer Administrator of Centralized Services	Oct. 30, 1976 (ongoing)
4. When a vacancy is anticipated, consideration may be given to providing on-the-job training for an affected class person, thus allowing an opportunity to qualify for the vacancy.	EEO Officer Administrator of Centralized Services	Oct. 30, 1976 (ongoing)

## Section 2. TRAINING

Goal: Departmental employees will receive consideration for job related training opportunities on an equal basis.

Action Item	Responsible Official	Target Date
1. Training opportunities will be reviewed and evaluated with all employees receiving equal consideration to participate in job related training programs which can assist them to develop their careers as fully as possible.	EEO Officer	Sept. 30, 1976 (ongoing)
2. Successful completion of training courses will be documented in an employee's personal file and due consideration given during evaluation and promotion process. Employees will notify Centralized Services upon successfully completing a training course.	Employee Administrator of Centralized Services	July 15, 1976

3. Training announcements will be posted sufficiently in advance to facilitate interested employees' request for approval of attendance and establishing attendance arrangements.

EEO Officer

Nov. 15, 1976 (ongoing)

### Section 3. PROMOTIONS, TRANSFERS, AND ASSIGNMENTS

Goal: To eliminate any barriers affecting advancement in all employment practices.

#### Action Item

#### Responsible Official

#### Target Date

1. Review all procedures and policies affecting promotions, transfers, and assignments; eliminating all discriminating elements.

EEO Officer

Nov. 30, 1976

2. During the preparation of the semi-annual status report, all promotions, transfers, and assignments will be reviewed.

EEO Officer  
Administrator of  
Centralized Services

Date of semi-annual reports

3. Promotion employee availability will be determined through the use of Form E, "Promotable Employee Date", in the semi-annual status report.

Semi-annually starting with  
hiring of the first report.

## X. PERSONNEL ACTIONS

### Section 1. COMPENSATION AND BENEFITS

The salary for positions within the Department of Agriculture shall and are determined by the statewide classification and pay plan. The Classification Bureau in the Personnel Division of the state of Montana, Department of Administration establishes the statewide salary matrix based on periodic salary surveys of other employers.

Benefits are established for all state employees by the state of Montana.

Goal: To insure non-discrimination in compensation (equal pay for substantially similar work), benefits, and conditions of employment.

Action Item	Responsible Official	Target Date
1. Review all benefits and conditions of employment (including medical, hospital, accident and life insurance; retirement benefits and pensions) leave and other terms, conditions and privileges of employment to insure that there is no discrimination.	EEO Officer Administrator of Centralized Services	Nov. 15, 1976
2. Compare job descriptions and actual job functions to insure all jobs requiring substantially similar work are classified and compensated the same. If found necessary, submit reclassification requests to correct deficiencies.	EEO Officer Administrator of Centralized Services	Dec. 15, 1976
3. Merit service increase will be granted only on the basis of performance as indicated.	Employees responsible for recommending merit service increases Executive Officer	When evaluation system is initiated (ongoing)
4. The Department shall comply fully with all provisions of state law.	Executive Officer EEO Officer	Present (ongoing)

As new jobs are developed and job descriptions change, the EEO Officer will review all changes and maintain equal pay for equal work in the Department. All new employees will receive appropriate employee handbooks.

### Section 2. JOB PERFORMANCE EVALUATIONS

Goal: To implement a standard Department policy and procedure for job performance evaluations for all employees. This policy and procedure will be nondiscriminatory in design and application, establishing evaluation solely on job performance and other specific job related criteria.

Action Item	Responsible Official	Target Date
1. When the standardized evaluation form now under development by the Department of Administration becomes available, it will be used in all performance evaluations of Department employees.	Administrator of Centralized Services Employees responsible for evaluations	45 working days after availability of form (ongoing)
2. Policy and procedure on performing non-discriminatory evaluations will be developed with consideration to guidelines issued by the Department of Administration.	EEO Officer Administrator of Centralized Services Executive Officer	15 working days after availability of forms
3. Orientation sessions will be conducted to acquaint employees with evaluation policy, procedure, and form.	EEO Officer Administrator of Centralized Services	20 working days after policy and procedure are adopted



- |   |  |  |
|---|--|--|
| 4. A copy of the employee's performance evaluation will be included in the employee's personnel file.                         | Administrator of<br>Centralized Services                                     | When an employee's evaluation is completed (ongoing) |
| 5. The evaluation procedure, policy, and forms will be reviewed annually, and recommended revisions made if deemed necessary. | EEO Officer<br>Executive Officer<br>Administrator of<br>Centralized Services | Annually   |

### Section 3. DISCIPLINARY ACTION, DEMOTION AND TERMINATION

Goal: To assure equitable disciplinary action based on job related, non-discriminatory criteria.

Action Item	Responsible Official	Target Date
1. Unsatisfactory job performance will be noted and discussed with an employees at least one performance evaluation; appropriate corrective action will be outlined and improvement requested before disciplinary action is taken, or demotion or termination occurs. A definite period of time in which to improve job performance before disciplinary action, demotion or termination occurs.	Employees conducting performance evaluations Executive Officer	Start when evaluation system is initiated (ongoing)
2. Job related criteria equally applicable to all employees in all similar jobs will be the basis for determination of disciplinary action, demotion and termination.	Administrators Executive Officer EEO Officer	July 30, 1976 (ongoing)
3. Entrance interviews will be conducted with all employees, on or about 2 weeks after starting employment, to facilitate better orientation and easy transition into job functions. Entrance interviews will try to identify any problems with a new employee and so corrective action can be taken and disciplinary action, demotion and termination can be avoided.	Administrator of Centralized Services or a representative EEO Officer	June 1, 1976 (ongoing)
4. Exit interviews will be conducted with all employees upon their job termination to determine reasons for terminating. Corrective action will be taken to eliminate discrimination if any occurred and influenced the employee's decision.	EEO Officer or a designated representative	June 30, 1976 (ongoing)

A copy of entrance and exit interviews will be signed by the employee and individual conducting the interview and placed in the employee's personnel file.

## XI. CONTRACTS

The Department of Agriculture entered into a supplement to, and Master Contract with M.P.E.A. effective July 16, 1976.

In accordance with Article V of the Master Contract and the provisions of Chapter 487, Session Laws of 1975, "Montana Code of Fair Practices," the Department shall recruit, appoint, assign, train, evaluate, and promote its employees on the basis of merit and qualifications, without regard to race, color, religious creed, political ideas, sex, age, marital status, physical or mental handicap, national origin or ancestry.



In accordance with Article VI of the Master Contract, qualities such as experience, qualification, and capabilities shall be the controlling factors for promotions and filling new or vacated positions.

## **XII. SUBCONTRACTORS AND SUBGRANTS**

The Department shall include an affirmative action policy statement with each application for funding or grant proposal, requiring contractors, subcontractors, subgrantees, and other firms doing business with the Department to be in compliance with the provisions of this Affirmative Action Plan and Section 64-316 to Section 64-330, R.C.M. 1947.

## **XIII. COMPLAINT PROCEDURE**

### **Section 1. LIMITATIONS**

**Goal:** To provide for prompt, fair, and impartial processing of complaints of discrimination by prospective, current, or former employees.

<b>Action Item</b>	<b>Responsible Official</b>	<b>Target Date</b>
1. Complainant employees will be informed of their legal right to file with the U.S. Equal Employment Opportunity Commissioner or the State Human Rights Bureau any time during the internal complaint process.	EEO Officer	When informed or formal complaint process is instigated
2. The complaint procedure shall be posted in a conspicuous place on all appropriate bulletin boards, readily accessible to all employees. Employees will receive a copy of the complaint procedure.	EEO Officer	July 30, 1976 within 30 working days of employment for new employees
3. The complaint resolution procedure will be reviewed in conjunction with the compiling and filing the semi-annual status report.	EEO Officer	July 30, 1976 Semi-annually

### **Section 2. FORMAL RESOLUTION**

A formal complaint must be enacted within 20 working days of an alleged discrimination act. The complainant must complete and file the Employment Discrimination Report with the EEO Officer within this time frame to initiate a complaint.

An appeal board consisting of one member as designated by the complainant, one member designated by the Executive Officer and the third member selected and agreed upon by the first two members, will conduct an impartial investigation and hearing into the complaint. The third member selected shall chair the appeal board initiating the basic principals that will govern the hearing: (1) Give notice to all parties of specific charges, (2) Each party will have the right to produce evidence in writing and through witnesses, (3) Opposing parties will have the right to question under the supervision of the board, the persons who submit evidence, (4) The appeal board's decision will and must be made strictly on sound evidence as produced. A tape recording of all hearings will be recorded to provide documentation of board proceedings and to be used for future reference. Each recording must be saved and kept on file for one year after completion of a board hearing.

The appeal board will hold a formal hearing within 15 calendar days after the formal complaint has been filed with the EEO Officer. Within five days after completion of the hearing, the board must present its conclusions and recommendation to the Executive Officer. The Executive Officer will have five working days after receiving the board's recommendations to make his/her decision and notify both parties in writing of that decision.

Termination, demotion, or any form of punishment or harassment against an employee for taking complainant action or against any person providing information in the resolution of such complaints, is illegal and will not be tolerated.

The EEO Officer will advise the complainant within 15 days of filing, of his right to file the complaint directly with the Human Rights Commission, the Equal Employment Opportunity Commission, or an appropriate U.S. District Court. The complainant shall be informed by the EEO Officer of time limitations and other jurisdictional items involved in filing with any of the above agencies. The complainant will be advised of: confidentiality, to representation of his choosing, the merits of the complaint, seeking a solution on an informal basis.

### **Section 3. INFORMAL RESOLUTION**

The complainant will notify the EEO Officer of his/her complaint within 10 working days from the alleged discriminatory incident. The complainant and/or the EEO Officer will meet with the complainant's division administrator for informal discussion, investigation, and resolution of the situation.

Termination, demotion or any form of punishment or harassment against an employee for taking complainant action or against any person providing information in the resolution of such complaints, is illegal and will not be tolerated.

The complainant shall be advised of his right to file a formal complaint and to initiate the formal complaint procedure.

## **XIV. RECORDS AND REPORTS**

### **Section 1. RECORDS AND REPORTS**

**Goal:** To audit, monitor, and evaluate the Department's Affirmative Action Plan progress on a continuing and regular basis.

<b>Action Item</b>	<b>Responsible Official</b>	<b>Target Date</b>
1. Affirmative Action Plan and semi-annual Affirmative Action Status reports to the EEO Bureau will be reviewed to assure accurate completion.	Executive Officer	July 30, 1976 semi-annually
2. The Department's Affirmative Action Plan will be reviewed and evaluated on a semi-annual basis.	EEO Officer	July 30, 1976 semi-annually
3. A semi-annual Affirmative Action status report shall be submitted to the EEO Bureau. This report will current employees by minority group, sex, job category, and salary, work force availability minority group and sex work force availability, identification of under utilization areas, applicant flow, turnover, and all referral sources.	EEO Officer Personnel Officer	Six months after approval of plan (semi-annually)
4. Records of all reprimands, demotions, terminations, and layoffs will be kept for two years. They may include: Total number of employees terminated, names (cross referenced with confidentiality numbers), salaries, dates, reason for action, sex, race, and job category.	EEO Officer	Initiate June 30, 1976 (ongoing)



# **APPENDIX**





## EMPLOYMENT DISCRIMINATION REPORT

NAME OF COMPLAINANT \_\_\_\_\_ AGE \_\_\_\_\_ SEX \_\_\_\_\_

CURRENT POSITION \_\_\_\_\_ RACE/ETHNIC GROUP \_\_\_\_\_

1. SPECIFY BASIS OF DISCRIMINATION:

_____ RACE/COLOR GROUP	_____ MARITAL STATUS
_____ RELIGION	_____ RECEIPT OF PUBLIC ASSISTANCE
_____ NATIONAL ORIGIN	_____ POLITICAL BELIEFS
_____ AGE	_____ PHYSICAL HANDICAP
_____ EX-OFFENDER STATUS	_____ MENTAL HANDICAP
_____ OTHER _____	

2. SPECIFY AREA OF DISCRIMINATION:

\_\_\_\_\_ RECRUITMENT OR RECRUITMENT ADVERTISING

\_\_\_\_\_ SELECTION

\_\_\_\_\_ PROMOTION

\_\_\_\_\_ DEMOTION OR DISCIPLINARY ACTION

\_\_\_\_\_ TRANSFER

\_\_\_\_\_ TERMINATION OR LAYOFF

\_\_\_\_\_ RATES OF PAY OR OTHER FORMS OF COMPENSATION

\_\_\_\_\_ SELECTION FOR TRAINING, INCLUDING APPRENTICESHIP AND/OR ON-THE-JOB TRAINING

\_\_\_\_\_ OTHER \_\_\_\_\_

3. WAS AN INFORMAL COMPLAINT LODGED? \_\_\_\_\_.

IF SO, ATTACH RELEVANT DOCUMENTATION AND STATE BRIEFLY THE LIKELY REASONS FOR FAILURE OF THE INFORMAL COMPLAINT PROCESS.

4. NAME, POSITION, SEX, AND RACE/ETHNIC GROUP OF EMPLOYEE(S) CHARGED WITH DISCRIMINATORY PRACTICE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. SPECIFY WAYS IN WHICH EACH ABOVE EMPLOYEE IS TO HAVE DISCRIMINATED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. IF DISCRIMINATION IN SELECTION, PROMOTION, OR TRANSFER IS ALLEGED:

A. IDENTIFY POSITION APPLIED FOR: \_\_\_\_\_

B. IDENTIFY OTHER APPLICANTS BY NAME, SEX, AND RACE/ETHNIC GROUP. ATTACH A COPY OF ALL OTHER APPLICANTS' APPLICATIONS AND/OR RESUMES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

C. SPECIFY AND ATTACH DOCUMENTATION FOR REASONS GIVEN COMPLAINANT FOR NOT BEING SELECTED, PROMOTED, OR TRANSFERRED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. SPECIFY NAME, SEX, RACE/ETHNIC GROUP OF PERSON SELECTED FOR POSITION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E. SPECIFY AND DOCUMENT CRITERIA ON WHICH THE SUCCESSFUL CANDIDATE WAS FOUND TO BE BETTER QUALIFIED THAN THE COMPLAINANT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

F. WAS THE PERSON SELECTED:

\_\_\_\_\_ PROMOTED OR TRANSFERRED INTERNALLY?

\_\_\_\_\_ HIRED FROM OUTSIDE THE DEPARTMENT?

G. WAS THE COMPLAINANT OFFERED ANY OTHER POSITION: IF SO, SPECIFY JOB TITLE, GRADE LEVEL, RATE OF PAY: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. IF DISCRIMINATION IN TERMINATION IS ALLEGED:

A. ATTACH COPIES OF COMPLAINANT'S EVALUATION FORM.

B. SPECIFY REASON(S) GIVEN FOR TERMINATION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

C. SPECIFY HOW, AND BY WHOM, THE ABOVE REASONS WERE FOUND TO BE SUFFICIENT GROUNDS FOR TERMINATION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. SPECIFY WHAT EFFORTS WERE MADE TO ASSIST THE COMPLAINANT IN IMPROVING JOB PERFORMANCE OR WHAT OTHER ACTIONS WERE TAKEN, INCLUDING PROBATIONARY CONDITIONS, TO AVOID TERMINATION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E. SPECIFY NAME, SEX, RACE/ETHNIC GROUP OF EACH PERSON INVOLUNTARILY TERMINATED WITHIN THE PAST 12 MONTHS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. ATTACH COPIES OF EXTERNAL CHARGES FILED WITH STATE HUMAN RIGHTS BUREAU, OR UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

9. SPECIFY DEPARTMENT RESPONSE TO EXTERNAL CHARGES, IF ONE WAS FILED: \_\_\_\_\_

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\_\_\_\_\_  
SIGNATURE OF COMPLAINANT

\_\_\_\_\_  
DATE

Code	Occupation	NATIVE AMERICAN	NATIVE AMERICAN
		Male	Female
152	Draftsmen	20	
153	Electrical and Electronic Engineering Technicians		
162	Engineering and Science Technicians, N.E.C.	14	6
173	Technicians, N.E.C.		
184	Editors and Reporters		
190	Painters and Sculptors	5	5
191	Photographers		
192	Public Relations Men and Publicity Writers	14	
<b>Managers and Administrators, Except Farm:</b>			
202	Bank Officers and Financial Managers	6	
216	Managers and Superintendents, Building		
225	Purchasing Agents and Buyers, N.E.C.		
233	Sales Managers, Except Retail Trade	5	
245	Managers and Administrators, N.E.C.	64	5
<b>Sales Workers:</b>			
270	Real Estate Agents and Brokers		
<b>Clerical and Kindred Workers:</b>			
301	Bank Tellers		
305	Bookkeepers	13	41
315	Dispatchers and Starters, Vehicle	6	
321	Estimators and Investigators, N.E.C.	15	12
325	File Clerks		34
330	Library Attendants and Assistants	6	5
332	Mail Handlers, except post office	6	
333	Messengers and Office Boys		
343	Computer and Peripheral Equipment Operators		
344	Duplicating Machine Operators		4
345	Keypunch Operators		
355	Office Machine Operators, N.E.C.		

Code	Occupation	NATIVE AMERICAN	NATIVE AMERICAN
		Male	Female
360	Payroll and Timekeeping Clerks	4	5
363	Real Estate Appraisers	8	
372	Secretaries, N.E.C.	5	217
374	Shipping and Receiving Clerks	10	
376	Stenographers		36
381	Stock Clerks and Storekeepers	38	
385	Telephone Operators		14
391	Typists	6	170
394	Miscellaneous Clerical Workers	37	8
395	Not Specified Clerical Workers	32	63

#### **Craftsmen and Kindred Workers:**

405	Bookbinders		
410	Brickmasons and Stonemasons	12	
413	Cabinetmakers		
415	Carpenters	171	10
424	Cranemen, Derrickmen, and Hoistmen	23	
430	Electricians	21	
436	Excavating, Grading, and Road Machine Operators	78	
452	Inspectors, N.E.C.	10	
461	Machinists	37	
470	Air Conditioning, Heating, and Refrigeration		
473	Automobile Mechanics	36	
481	Heavy Equipment Mechanics, Including Diesel	55	
484	Office Machine		
592	Miscellaneous Mechanics and Repairmen	65	25
510	Painters Construction and Maintenance	12	
520	Plasterers		
522	Plumbers and Pipefitters	43	
530	Pressmen and Plate Printers, Printing	5	
534	Roofers and Slaters	10	
535	Sheetmetal Workers and Tinsmiths		
545	Stationary Engineers		
552	Telephone Installers and Repairmen	10	

#### **Operatives, Except Transport:**

610	Checkers, Examiners, and Inspectors, Manufacturing	8	5
612	Cutting Operatives, N.E.C.	4	
623	Garage Workers and Gas Station Attendants	50	4
642	Oilers and Greasers, Exc. Auto	7	

Code	Occupation	NATIVE AMERICAN	NATIVE AMERICAN
		Male	Female
643	Packers and Wrappers, Except meat and produce	14	25
645	Photographic Process Workers		
680	Welders and Flame Cutters	34	
690	Machine Operatives, Miscellaneous Specified	39	4
692	Machine Operatives, Not Specified		
694	Miscellaneous Operatives	38	12
706	Fork Lift and Tow Motor Operatives	18	
715	Truck Drivers	90	
755	Gardeners and Groundskeepers, Exc. Farm	13	4
770	Warehousemen, N.E.C.	4	
780	Miscellaneous Laborers	93	
<b>Service Workers, Except Private Household:</b>			
902	Cleaners and Charwomen	22	40
903	Janitors and Sextons	205	22
922	Health Aides, Exc. Nursing	9	26
943	Elevator Operators		
961	Firemen, Fire Protection	5	
962	Guards and Watchmen	24	
964	Policemen and Detectives	85	
<b>All Other Occupations:</b>			
999	All Other Occupations	2553	1521

## APPENDIX 3 — MATERNITY LEAVE

### Title 41, Chapter 26, R.C.M. 1947

41-2601. Definitions. (1) "Commissioner" means the commissioner of labor and industry.  
 (2) "Employer" means any public or private employer.

41-2602. Denial of maternity leave unlawful. (1) It shall be unlawful for an employer or his agent:  
 (a) to terminate a woman's employment because of her pregnancy, or  
 (b) to refuse to grant to the employee a reasonable leave of absence for such pregnancy, or  
 (c) to deny to the employee, who is disabled as a result of pregnancy, any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by her employer; provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform her employment duties, or  
 (d) to retaliate against any employee who files a complaint with the commissioner under the provisions of this act, or  
 (e) to require that an employee take a mandatory maternity leave for an unreasonable length of time.  
 (2) Upon signifying her intent to return at the end of her leave of absence, such employee shall be reinstated to her original job or to an equivalent position with equivalent pay and accumulated seniority,



retirement, fringe benefits, and other service credits unless, in the case of a private employer, the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

**41-2603. Complaint—how filed.** A person claiming to be aggrieved by a violation of section 41-2602 may make, sign, and file a verified complaint with the commissioner of labor and industry which shall state the circumstances of the violation and the particulars thereof and shall contain such other information as may be required by the commissioner. In addition, the commissioner whenever he has reason to believe that section 41-2602 has been or is being violated, may issue a complaint. Within sixty (60) days of the receipt of a complaint the commissioner shall state his findings of fact and decision.

If, upon all evidence, the commissioner finds that a respondent has engaged in a violation of section 41-2602, he shall state his findings of fact and shall order the respondent to reinstate the complainant if she so desires and to pay to the complainant the damages resulting from the violation. If, upon all the evidence, the commissioner finds that the respondent has not engaged in a violation of section 41-2602, he shall state his findings of fact and shall dismiss the complaint.

**41-2604. Enforcement.** The commissioner or his authorized representatives may enter and inspect such place, question such employees, and investigate such fact, conditions, or matters as they consider appropriate, to determine whether any person has violated any provision of this act or any regulation issued hereunder or which may aid in the enforcement of the provisions of this act.

The commissioner or his authorized representatives may administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, and the production of papers, books, accounts, records, payrolls, documents, and testimony, and take depositions and affidavits in any proceeding before the commissioner.

**41-2605. Regulations.** The commissioner shall make and revise administrative regulations to carry out the purposes of this act. Rule making under this act shall comply with the provisions of the Montana Administrative Procedure Act.

**41-2606. Individual action.** Nothing in this act shall preclude an individual from prosecuting a private action in the district court alleging violation of the provision of this act or any other act.

## **APPENDIX 4 — MONTANA RECRUITMENT SOURCES**

- Section 1. Employment Service Offices and WIN Centers
- Section 2. Vocational-Technical Centers
- Section 3. Colleges and Junior Colleges
- Section 4. College Affiliated Groups
- Section 5. Urban Indian Alliances
- Section 6. Indian Reservations
- Section 7. Other Recruitment Sources
- Section 8. Local Minority Groups
- Section 9. Local Women's Groups
- Section 10. Daily Newspapers
- Section 11. Weekly Newspapers
- Section 12. Weekly Newspapers on or adjacent to reservations

### **Section 1. LOCAL EMPLOYMENT SERVICE OFFICES**

Ramie VanSteeland, Manager  
Anaconda Employment Service  
416 East Park  
Anaconda, Montana 59711  
Phone: 563-3444

Clarence Nybo, Director  
Billings Employment Service  
624 North 24th Street  
Billings, Montana 59101  
Phone: 248-7371

Jack Boston, Director  
Bozeman Employment Service  
234 East Main  
Bozeman, Montana 59715  
Phone: 586-5455

Don Crail, Director  
Cut Bank Employment Service  
513 East Main Street  
Cut Bank, Montana 59427  
Phone: 873-2191

Roy Hagen, Director  
Glasgow Employment Service  
238 Second Avenue South  
Glasgow, Montana 59230  
Phone: 228-9369

Bill Cady, Director  
Great Falls Employment Service  
1018 7th Street South  
Great Falls, Montana 59405  
Phone: 761-1731

Jack Sullivan, Director  
Butte Employment Service  
206 West Granite  
Butte, Montana 59701  
Phone: 792-0417

Paul Stahl, Director  
Dillon Employment Service  
126 South Montana  
Dillon, Montana 59725  
Phone: 683-5501

Alvin Fisher, Director  
Glendive Employment Service  
211 South Kendrick  
Glendive, Montana 59330  
Phone: 365-3314

William Lubke, Director  
Hamilton Employment Service  
333 Main Street  
Hamilton, Montana 59840  
Phone: 363-1822

## **Section 1. WIN CENTERS**

Butte WIN-CEP Center  
Idaho and Mercury Street  
Butte, Montana 59701

Glasgow WIN Center  
Glasgow AFB  
Box 4696  
Glasgow, Montana 59231

Kalispell WIN Center  
37 1st Street West  
Kalispell, Montana 59901

Cut Bank WIN Center  
Box 837  
Browning, Montana 59417

Helena WIN-CEP Center  
529 North Warren  
Helena, Montana 59601

Billings WIN Center  
2807 Montana Avenue  
Billings, Montana 59101

## **Section 2. VOCATIONAL-TECHNICAL CENTERS**

Billings Vo-Tech Center  
Glenn Burgess, Director  
3615 Montana Avenue  
Billings, Montana 59102  
Phone: 248-7741

Great Falls Vo-Tech Center  
James Carey, Director  
1015 1st Avenue North  
Great Falls, Montana 59401  
Phone: 761-5800

Missoula Technical Center  
T. E. Downey, Director  
909 South Avenue West  
Missoula, Montana 59801  
Phone: 728-2400

Butte Vo-Tech Center  
Dr. Joseph Sicotte, Director  
404 South Wyoming  
Butte, Montana 59701  
Phone: 792-4256

Helena Vo-Tech Center  
William Korizek, Director  
1115 Roberts Street  
Helena, Montana 59061  
Phone: 442-0060

### Section 3. COLLEGES AND JUNIOR COLLEGES

Keith Clawson  
Placement Officer  
Northern Montana College  
Havre, Montana 59501  
Phone: 265-7821 Ext. 263

C. Thomas Messick, Director  
Career Placement  
Montana State University  
Bozeman, Montana 59715  
Phone: 994-4353

Dr. Don Hjelmseth  
Career Planning and Placement  
Room 8, Main Hall  
Missoula, Montana 59801  
Phone: 243-2022

Paul Fasting  
Counseling and Placement  
Dawson Community College  
Glendive, Montana 59330  
Phone: 365-3396

Jane Burnham  
Women's Resource Center  
University of Montana  
Missoula, Montana 59801  
Phone: 243-4153

Sister Carol Ann Richlie  
College of Great Falls  
1301 20th Street  
Great Falls, Montana 59401  
Phone: 761-8210

Gus Stoltz  
Placement Director  
Montana College of Mineral Sciences  
and Technology  
Butte, Montana 59701  
Phone: 792-8321

Mike Gallagher  
Director of Teacher Placement  
Rocky Mountain College  
Billings, Montana 59101  
Phone: 245-6151 Ext. 203

Victor Signori  
Director of Placement  
Eastern Montana College  
Billings, Montana 59101  
Phone: 657-2366

Virgil Alme  
Director of Placement  
Western Montana College  
Dillon, Montana 59725  
Phone: 683-7011

Victor Beneventi  
Director of Placement  
Carroll College  
Helena, Montana 59601  
Phone: 442-3450

Flathead Valley Community College  
15 First Street East  
Kalispell, Montana 59901  
Phone: 755-5222

Mr. Vernon R. Kailey, President  
Miles City Community College  
2715 Dickenson  
Miles City, Montana 59301  
Phone: 232-3031

### Section 4. COLLEGE AFFILIATED GROUPS

Ms. Jane Burnham  
Women's Resource Center  
University of Montana  
Missoula, Montana 59801  
Phone: 243-4153

Afro-American Studies  
University of Montana  
Missoula, Montana 59801  
Phone: 243-2651

Ms. Henrietta V. Whiteman, Director  
Native American Studies  
University of Montana  
Missoula, Montana 59801  
Phone: 243-5831

Ms. Scottie Giebink  
Focus on Women  
Montana State University  
Bozeman, Montana 59715  
Phone: 994-3381

Robert Peregoy  
Native American Studies  
Montana State University  
Bozeman, Montana 59715  
Phone: 994-3881

Robert Conley  
Coordinator of Indian Culture  
Native American Studies  
Eastern Montana College  
Billings, Montana 59101  
Phone: 657-2011

## Section 5. URBAN INDIAN ALLIANCES

Trinka Michaelson, Director  
Anaconda Indian Alliance  
524 East Park  
Anaconda, Montana 59711  
Phone: 563-3450

Director  
Billings American Indian Council  
23 South 27th  
Billings, Montana 59101  
Phone: 252-5821

Vera Garmann, Director  
Montana North American Indian Alliance  
12 East Galena  
Butte, Montana 59701  
Phone: 723-4361

James Contway, Director  
Hi-Line Indian Alliance  
327 Main Street  
Havre, Montana 59501  
Phone: 265-7827

Leo Pocha, Director  
Helena Indian Alliance  
436 North Jackson  
Helena, Montana 59601  
Phone: 442-9334

Mary Kendall, Director  
Great Falls Indian Education Center  
710 Central Avenue  
Great Falls, Montana 59401  
Phone: 761-3165

Sherry Stadler, Director  
Qua Qui Corporation  
508 Toole Avenue  
Missoula, Montana 59801  
Phone: 728-0340

Ernie Bighorn, Director  
Indian Development and Educational Alliance  
504 Main  
Miles City, Montana 59301  
Phone: 232-6112

## Section 6. INDIAN RESERVATIONS

Rocky Boy Reservation  
John Windy Boy, Chairperson  
Business Committee of  
Chippewa-Cree Tribe  
Rocky Boy Route  
Box Elder, Montana 59521  
Phone: 395-2404

Flathead Reservation  
Harold Mitchell Jr., Chairperson  
Confederated Salish and  
Kootenai Tribe  
Flathead Reservation  
Dixon, Montana 59831  
Phone: 246-3595

Blackfeet Reservation  
Earl Old Person, Chairperson  
Blackfeet Tribal  
Business Council  
Browning, Montana 59417  
Phone: 338-5311

Crow Reservation  
Pat Stands, Chairperson  
Crow Tribal Council  
P.O. Box 170  
Crow Agency, Montana 59022  
Phone: 638-2671

Fort Belknap Reservation  
Jack Plumage, President  
Fort Belknap Comm. College  
Fort Belknap Agency  
Harlem, Montana 59526  
Phone: 353-2258

Northern Cheyenne  
Allen Rowland, President  
Northern Cheyenne Tribal Council  
P.O. Box 153  
Lame Deer, Montana 59043  
Phone: 477-6240



Fort Peck Reservation  
 Norman Hollow, Chairperson  
 Fort Peck Executive Board  
 Assiniboine and Sioux Tribes of the  
   Fort Peck Indian Reservation  
 P.O. Box 1027  
 Poplar, Montana 59255  
 Phone: 768-3759

## **Section 7. OTHER RECRUITMENT SOURCES**

John Ault  
 Social Services Director  
 Montana State Prison  
 Box 7  
 Deer Lodge, Montana 59722

Mountain Plains Education Project  
 600 North Cooke  
 Helena, Montana 59601

Lee Topash  
 Human Resources Development Institute  
 AFL-CIO  
 P.O. Box 1176  
 Helena, Montana 59601

Lee Topash  
 Board of Directors  
 North American Indian League  
 Montana State Prison  
 Box 1176  
 Helena, Montana 59601

Gordon Fillinger  
 State Teacher Placement Officer  
 Employment Security Division  
 Employment Security Building  
 Helena, Montana 59601

Patricia Clark  
 Career Education Coordinator  
 National Cooperative for  
   Career Education  
 School of Education  
 University of Montana  
 Missoula, Montana 59801  
 Phone: 243-5262

Steve Goldstein, Coordinator  
 Montana State Low-Income Organization  
 436 North Jackson  
 Helena, Montana 59601

Rocky Mountain Development Council  
 Box 721  
 Helena, Montana 59601

Montana Association for  
   Retarded Citizens  
 Aage Hanson, Executive Director  
 P.O. Box 625  
 Helena, Montana 59601

Leonard Smith, Director  
 Native American Talent Bank  
 Department of Community Affairs  
 Capitol Station  
 Helena, Montana 59601

Fred Barrett, Administrator  
 Employment Security Division  
 Employment Security Building  
 Helena, Montana 59601

## **Section 8. LOCAL MINORITY GROUPS**

Yellowstone Ethnic and  
   Low-Income Coalition  
 Rev. Robert Freeman  
 34 Adams  
 Billings, Montana 59101

Bert Babby  
 Federal Women's Program Coordinator  
   for Indian Health Service  
 2409 Dahlia Lane  
 Billings, Montana 59101



Zane Strang  
Bureau of Indian Affairs  
Employment Assistance Spec.  
316 North 26th Street  
Billings, Montana 59101

Latinos Club  
c/o Ralph Gallardo  
701 South 33rd Street  
Billings, Montana 59101

Montana Migrant Council  
c/o Rev. A. R. Vialpando  
514 South 37th Street  
Billings, Montana 59101

Welfare Rights Organization  
c/o Ms. Somkid Yampradit  
305 South 35th Street  
Billings, Montana 59101

Karen Fenton, Director  
Human Resources Development Program  
Confederated Salish-Kootenai Tribes  
Dixon, Montana 59831

Jessie James, President  
Association of Montana  
Native American Counselors  
1808 Seventh Avenue North  
Great Falls, Montana 59401

George Henkel, Executive Director  
Montana United Indian Assn.  
P.O. Box 786  
Helena, Montana 59601

Billings American Indian Council  
c/o Ms. Edith Weisanen  
Northern Plains Craft Shop  
2822 First Avenue North  
Billings, Montana 59101

James Gonzalez, President  
Montana Mexican Concilio  
Box 2031  
Billings, Montana 59101

People's Betterment League  
c/o Ms. Bonnie Hoven  
13 Prince Albert  
Billings, Montana 59101

Therese Hanway, Project Director  
Pride In Heritage Program  
2825 Farragut, A-201  
Butte, Montana 59701

Mary Kendall  
Opportunities Inc.  
601 11th Street North  
Great Falls, Montana 59401

Merle Lucas  
Coordinator of Indian Affairs  
Department of Community Affairs  
1424 Ninth Avenue  
Helena, Montana 59601

Tom Vander Veiden  
Bureau of Indian Affairs  
Helena Employment Assistance Office  
638 Logan  
Helena, Montana 59601

## **Section 9. LOCAL WOMEN'S GROUPS**

Joan Duncan  
Room 2  
Power Block, South Annex  
Helena, Montana 59601

Scottie Giebink  
Focus on Women  
Montana State University  
Bozeman, Montana 59715

Women's Resource Center  
University Center  
University of Montana  
Missoula, Montana 59801

## **Section 10. DAILY NEWSPAPERS**

Billings Gazette  
401 North Broadway  
Billings, Montana 59101

Bozeman Daily Chronicle  
32 North Rouse  
Bozeman, Montana 59715

Montana Standard  
P.O. Box 627  
Butte, Montana 59701

Ravalli Republic  
232 Main  
Hamilton, Montana 59840

Independent Record  
P.O. Box 557  
Helena, Montana 59601

Livingston Enterprise  
Livingston  
Montana 59047

Missoulian  
502 North Higgins  
Missoula, Montana 59801

Great Falls Tribune  
121 Fourth Street North  
Great Falls, Montana 59401

Havre Daily News  
119 Second  
Havre, Montana 59501

Daily Inter Lake  
Kalispell  
Montana 59901

Miles City Star  
Miles City  
Montana 59301

## Section 11. NEWSPAPERS

Anaconda Leader  
Anaconda, Montana 59711

Belt Valley Times  
Belt, Montana 59412

Big Timber Pioneer  
Big Timber, Montana 59011

Montana Oil Journal  
Billings, Montana 59101

Boulder Monitor  
Boulder, Montana 59632

Powder River Examiner  
Broadus, Montana 59317

Liberty County Times  
Chester, Montana 59522

Choteau Acantha  
Choteau, Montana 59422

Hungry Horse News  
Columbia Falls, Montana 59912

Independent-Observer  
Conrad, Montana 59425

Silver State Post  
Deer Lodge, Montana 59722

Ekalaka Eagle  
Ekalaka, Montana 59324

Fairfield Times  
Fairfield, Montana 59436

Forsyth Independent  
Forsyth, Montana 59327

Fallon County Times  
Baker, Montana 59313

The Mountaineer  
Big Sandy, Montana 59520

Billings Times  
Billings, Montana 59101

Western Livestock Reporter  
Billings, Montana 59101

High Country  
Bozeman, Montana 59715

Cascade Courier  
Cascade, Montana 59421

Chinook Opinion  
Chinook, Montana 59523

Circle Banner  
Circle, Montana 59215

Columbus News  
Columbus, Montana 59019

The Searchlight  
Culbertson, Montana 59218

Tribune Examiner  
Dillon, Montana 59725

Tobacco Valley News  
Eureka, Montana 59917

Fairview News  
Fairview, Montana 59221

River Press  
Fort Benton, Montana 59442

Ranger-Review  
Glendive, Montana 59330

Western News  
Hamilton, Montana 59840

Westmont Word  
Helena, Montana 59601

Jordan Tribune  
Jordan, Montana 59337

Montana Catholic Register  
Great Falls, Montana 59401

Times-Clarion  
Harlowton, Montana 59036

Hysham Echo  
Hysham, Montana 59038

Kalispell Weekly News  
Kalispell, Montana 59901

## Section 12 WEEKLY NEWSPAPERS ON OR ADJACENT TO RESERVATIONS

Ahchimowin  
Rocky Boy Reservation  
Box Elder, Montana 59521

Glacier Reporter  
Browning, Montana 59417

Cut Bank Pioneer Press  
Cut Bank, Montana 59427

Glasgow Courier  
Glasgow, Montana 59330

Camp Crier  
Fort Belknap  
Harlem, Montana 59526

Hi Line Herald  
426 First  
Havre, Montana 59501

A'Thorne  
Northern Cheyenne Press  
Lame Deer, Montana 59043

Ronan Pioneer  
Ronan, Montana 59864

Herald News  
Wolf Point, Montana 59201

Western Breeze  
Cut Bank, Montana 59427

Charkoosta  
Flathead Reservation  
Dixon, Montana 59831

Hardin Herald  
406 North Center  
Hardin, Montana 59034

Harlem News  
26 Central Avenue East  
Harlem, Montana 59526

Milk River Free Press  
P.O. Box 1730  
Havre, Montana 59501

Blackfoot Journal  
Browning, Montana 59417

Flathead Courier  
Polson, Montana 59860

Mission Valley News  
St. Ignatius, Montana 59865

Rocky Mountain Informer  
Kalispell, Montana 59901

News-Argus  
Lewistown, Montana 59457

Park County News  
Livingston, Montana 59047

Philipsburg Mail  
Philipsburg, Montana 59858

Plentywood Herald  
Plentywood, Montana 59254

Roundup Record-Tribune  
Roundup, Montana 59072

Shelby Promoter & Tribune  
Shelby, Montana 59474

Sidney Herald  
Sidney, Montana 59270

Laurel Outlook  
Laurel, Montana 59044

Western News  
Libby, Montana 59923

Phillips County News  
Malta, Montana 59538

Plainsman  
Plains, Montana 59859

Carbon County News  
Red Lodge, Montana 59068

Daniels County Leader  
Scobey, Montana 59263

Shelby Times  
Shelby, Montana 59474

Judith Basin Press  
Stanford, Montana 59479

Northwest Tribune  
Stevensville, Montana 59870

Terry Tribune  
Terry, Montana 59349

Three Forks Herald  
Three Forks, Montana 59752

Spray  
Valier, Montana 59486

Meagher County News  
White Sulphur Springs, Montana 59645

Jefferson Valley News  
Whitehall, Montana 59759

Winnett Times  
Winnett, Montana 59087

Mineral Independent  
Superior, Montana 59872

Sanders County Ledger  
Thompson Falls, Montana 59873

Townsend Star  
Townsend, Montana 59644

The Madisonian  
Virginia City, Montana 59755

Whitefish Pilot  
Whitefish, Montana 59937

Wibaux Pioneer-Gazette  
Wibaux, Montana 59353

# **CERTIFICATE**

**of**

**Applicant's Chief Executive Officer**

**[49 C.F.R. 266.19(j)(1)]**






# CERTIFICATE

[49 C.F.R. 266.19(j)(1)]

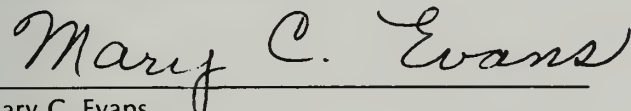
W. GORDON McOMBER certifies that he is the chief executive officer of the MONTANA DEPARTMENT OF AGRICULTURE; that he is authorized to sign and file with the Federal Railroad Administration this application; that he has carefully examined all of the statements contained in the application relating to the DEPARTMENT OF AGRICULTURE; that he has knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his knowledge, information and belief.

DATED AT HELENA, MONTANA this 22nd day of May, 1978.

s/ 

W. GORDON McOMBER  
Director  
DEPARTMENT OF AGRICULTURE  
STATE OF MONTANA

Subscribed and sworn to before me  
this 22nd day of May, 1978.

s/   
Mary C. Evans

Notary Public, Lewis and Clark County, Montana  
My Commission Expires March 3, 1979.



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# **APPENDIX A**

**MONTANA DEPARTMENT OF AGRICULTURE**

**Designated For  
Rail Planning Purposes**



THOMAS L. JUDGE  
GOVERNOR

State of Montana  
Office of The Governor  
Helena 59601

March 8, 1978

Mr. John M. Sullivan, Administrator  
Federal Railroad Administration  
Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590

RE: 49 C.F.R. 26.1 — Designation of State  
Agency for Purposes of Rail Planning for Montana

Dear Mr. Sullivan:

Please accept this as notice that effective on March 1, 1978, I have designated the Department of Agriculture, State of Montana, as the "Designated State agency" to administer or coordinate a Montana State Rail Plan consistent with the provisions of Section 5 of the Department of Transportation Act.

Best regards.

Sincerely,

A handwritten signature in cursive script, reading "Thomas L. Judge".

THOMAS L. JUDGE  
Governor

# **APPENDIX B**

## **Flowchart of Plan Activities**



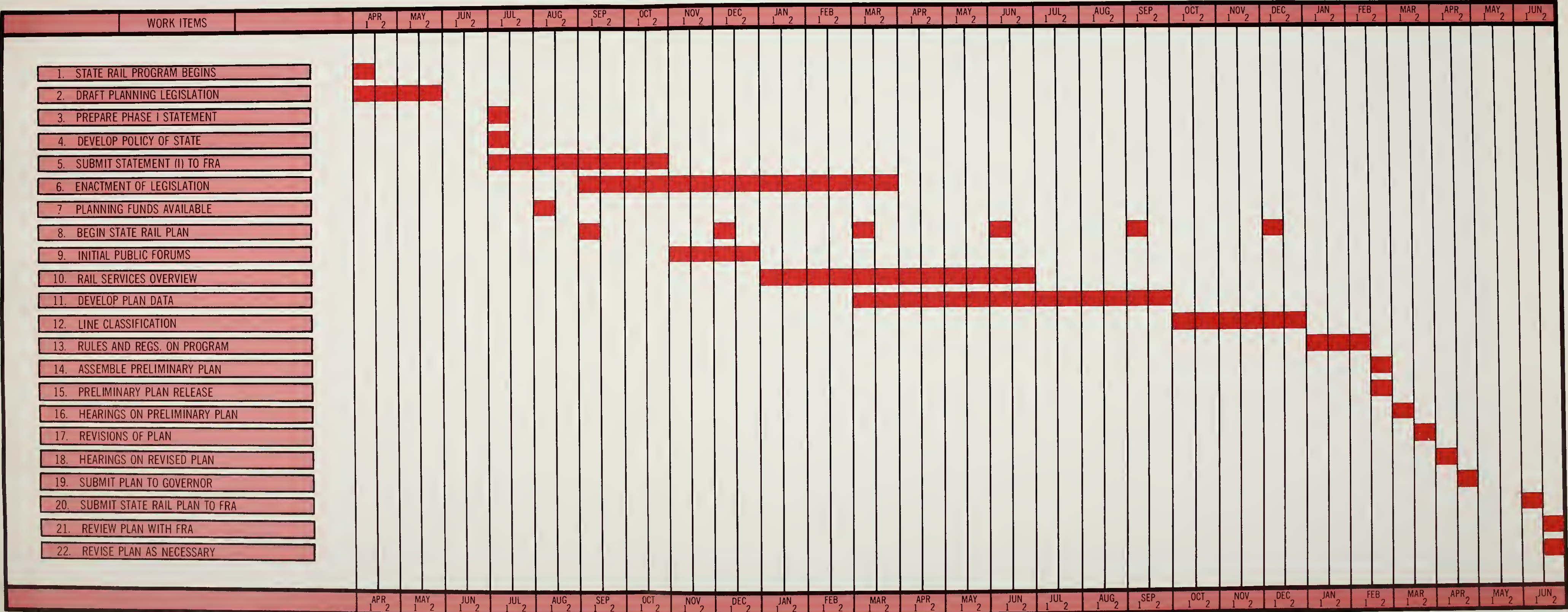
# MONTANA STATE RAIL PLAN WORK PLAN

1978

1979

1980

TWO WEEK PERIODS








# **APPENDIX C**

**Form 424**

**Application For Assistance**

<b>FEDERAL ASSISTANCE</b>			2. APPLICANT'S APPLICATION		a. NUMBER <b>78-1</b>		3. STATE APPLICATION IDENTIFIER		a. NUMBER		
1. TYPE OF ACTION <input type="checkbox"/> PREAPPLICATION <input checked="" type="checkbox"/> APPLICATION (Mark appropriate box) <input type="checkbox"/> NOTIFICATION OF INTENT (Opt.) <input type="checkbox"/> REPORT OF FEDERAL ACTION			Leave Blank		b. DATE Year month day 19 <b>78 - 3 - 23</b>				b. DATE Year month day ASSIGNED 19		
4. LEGAL APPLICANT/RECIPIENT a. Applicant Name : <b>State of Montana</b> b. Organization Unit : <b>Department of Agriculture</b> c. Street/P.O. Box : <b>See Section IV</b> d. City : <b>Helena</b> f. State : <b>Montana</b> h. Contact Person (Name & Telephone No.) : <b>Gene J. Carroll (406)-449-3144</b> e. County : <b>Lewis &amp; Clark</b> g. ZIP Code: <b>59601</b>							5. FEDERAL EMPLOYER IDENTIFICATION NO.				
							6. PROGRAM (From Federal Catalog)		a. NUMBER <b>20 • 308</b> b. TITLE <b>Local Rail Service Assistance— National Program</b>		
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT  <b>MONTANA STATE RAIL PLAN</b>  To establish a state rail plan consistent with 49 C.F.R. 266							8. TYPE OF APPLICANT/RECIPIENT A—State B—Interstate C—Substate District D—County E—City F—School District G—Special Purpose District H—Community Action Agency I—Higher Educational Institution J—Indian Tribe K—Other (Specify): Enter appropriate letter <b>A</b>				
							9. TYPE OF ASSISTANCE A—Basic Grant B—Supplemental Grant C—Loan D—Insurance E—Other Enter appropriate letter(s) <b>A</b>				
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)				11. ESTIMATED NUMBER OF PERSONS BENEFITING <b>700,000</b>		12. TYPE OF APPLICATION A—New B—Renewal C—Revision D—Continuation E—Augmentation Enter appropriate letter(s) <b>A</b>					
13. PROPOSED FUNDING				14. CONGRESSIONAL DISTRICTS OF:		15. TYPE OF CHANGE (For 12c or 12e) A—Increase Dollars B—Decrease Dollars C—Increase Duration D—Decrease Duration E—Cancellation F—Other (Specify): Enter appropriate letter(s) <b>N/A</b>					
a. FEDERAL \$ <b>241,863</b> .00		b. APPLICANT <b>1 and 2</b>		c. PROJECT <b>State-wide</b>							
c. STATE <b>51,651</b> .00		16. PROJECT START DATE Year month day 19 <b>78 -7- 1</b>		17. PROJECT DURATION <b>24</b> Months							
d. LOCAL .00		18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY		19		19. EXISTING FEDERAL IDENTIFICATION NUMBER					
e. OTHER .00											
f. TOTAL \$ <b>293,514</b> .00											
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP Code) <b>Federal Railroad Administration (See Sec. IV)</b>								21. REMARKS ADDED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
22. THE APPLICANT CERTIFIES THAT		a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.				b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:		No response		Response attached	
		(1)						<input type="checkbox"/>		<input type="checkbox"/>	
		(2)						<input type="checkbox"/>		<input type="checkbox"/>	
		(3)						<input type="checkbox"/>		<input type="checkbox"/>	
23. CERTIFYING REPRESENTATIVE		a. TYPED NAME AND TITLE <b>W. Gordon McOmber Director</b>				b. SIGNATURE 		c. DATE SIGNED Year month day 19 <b>78</b> <b>3</b> <b>23</b>			
24. AGENCY NAME						25. APPLICATION RECEIVED 19					
26. ORGANIZATIONAL UNIT						27. ADMINISTRATIVE OFFICE					
28. FEDERAL APPLICATION IDENTIFICATION						29. ADDRESS					
30. FEDERAL GRANT IDENTIFICATION						31. ACTION TAKEN					
<input type="checkbox"/> a. AWARDED		32. FUNDING		33. ACTION DATE		34. STARTING DATE		35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)			
<input type="checkbox"/> b. REJECTED		a. FEDERAL \$ .00		19		Year month day		Year month day			
<input type="checkbox"/> c. RETURNED FOR AMENDMENT		b. APPLICANT .00						36. ENDING DATE			
<input type="checkbox"/> d. DEFERRED		c. STATE .00						19			
<input type="checkbox"/> e. WITHDRAWN		d. LOCAL .00						37. REMARKS ADDED			
		e. OTHER .00						<input type="checkbox"/> Yes <input type="checkbox"/> No			
		f. TOTAL \$ .00									
38. FEDERAL AGENCY A-95 ACTION		a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.				b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone number)					

**Section I — Item 4(c)**

1300 Cedar Street  
Airport Way - Building West

**Section I — Item 20:**

Federal Railroad Administration  
Department of Transportation  
400 Seventh Street S.W.  
Washington, D.C. 20590



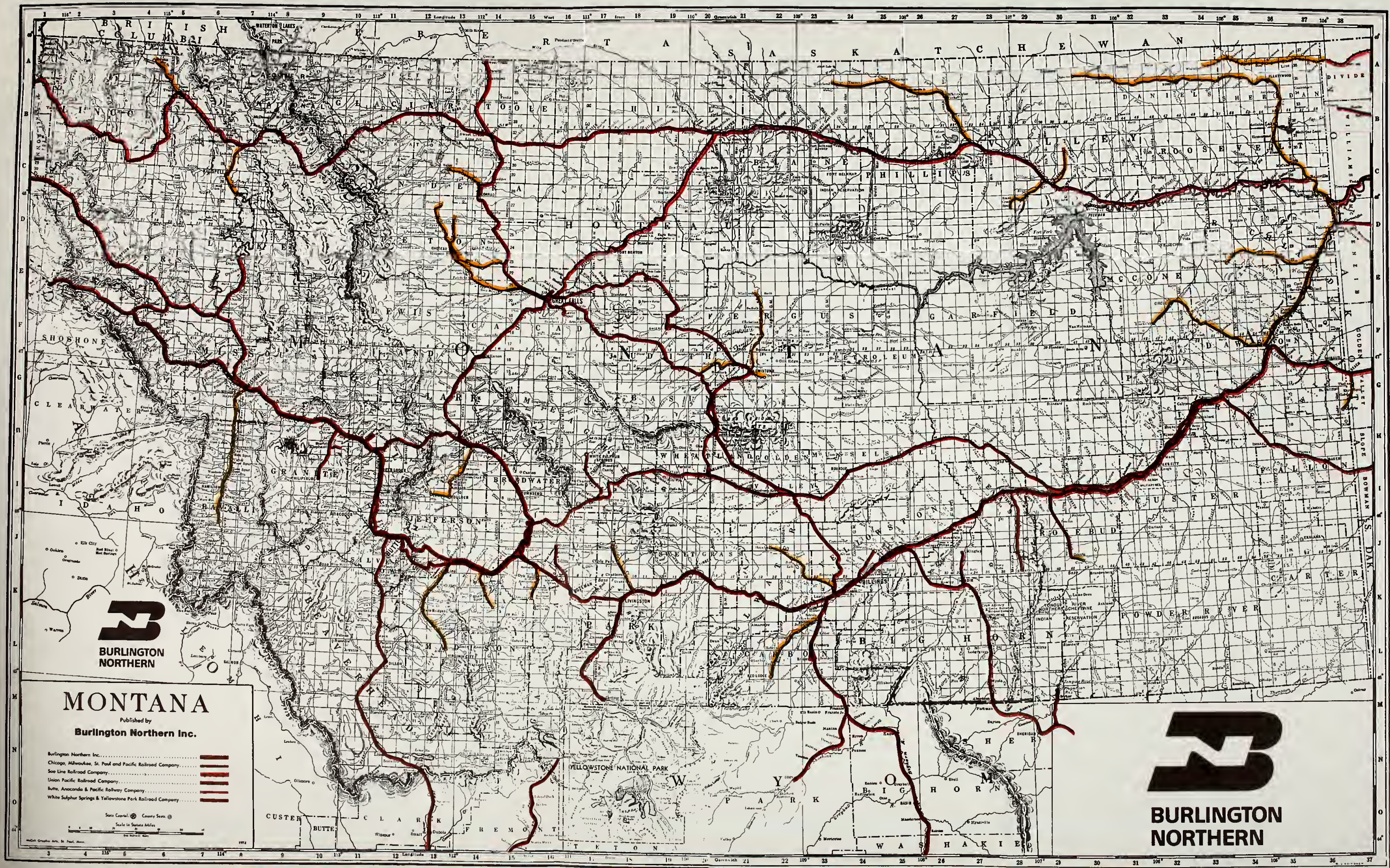


# **APPENDIX D**

## **Montana Light-Density Segments**







**MONTANA LIGHT-DENSITY RAIL SEGMENTS**









